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Journals of the Senate and Assembly

CALIFORNIA LEGISLATURE

FIFTY-FOURTH [FIRST EXTRAORDINARY] SESSION

DECEMBER 19 TO DECEMBER 22, 1941

JANUARY 12 TO JANUARY 22, 1942

FIFTY-FOURTH [SECOND EXTRAORDINARY] SESSION

JANUARY 17 AND 18, 1942



LIEUT. GOVERNOR ELLIS E. PATTERSON
PRESIDENT OF THE SENATE

SENATOR W. P. RICH
PRESIDENT PRO TEMPORE OF THE SENATE

JOSEPH A. BEEK
SECRETARY OF THE SENATE

HON. GORDON H. GARLAND
SPEAKER OF THE ASSEMBLY

EARL D. DESMOND
SPEAKER PRO TEMPORE OF THE ASSEMBLY

ARTHUR A. OHNIMUS
CHIEF CLERK OF THE ASSEMBLY

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CALIFORNIA LEGISLATURE

FIFTY-FOURTH (EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, December 19, 1941

The Senate met at 11 a.m., pursuant to the provisions of the Proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated December 16, 1941, convening the Legislature of the State of California on this day in extraordinary session.

Lieutenant Governor Ellis E. Patterson, President of the Senate of the Fifty-fourth Session, in the chair, called the Senate to order.

Pursuant to the provisions of Section 237 of the Political Code, Joseph A. Beek, Secretary of the Senate; Robert G. Alderman, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms, were present and occupied their respective positions.

The roll was called, and the following Senators answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by the Chaplain, Rev. H. W. Opperman, Chaplain of the Senate of the Fifty-fourth Session.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

MARICOPA, CALIFORNIA, December 17, 1941

*Mr. Joseph Beek, Secretary of the Senate
State Capitol, Sacramento, California*

DEAR MR. BEEK: I have just received a telegram from Governor Olson advising me that he is calling a Special Session of the Legislature to be convened Friday, December 19th, and this is to advise that, being still confined to my bed, I will be unable to attend.

Very truly yours,

J. I. WAGY

LEAVES OF ABSENCE

The following Senators were granted leaves of absence for the balance of the extraordinary session:

Senator Wagy, on motion of Senator Seawell.

Senator Hays, on motion of Senator Rich.

PROCLAMATION OF THE GOVERNOR

The President of the Senate directed the Secretary of the Senate to read the Proclamation of the Governor convening the Legislature in extraordinary session.

Whereupon the Secretary read the following Proclamation:

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened; now, therefore,

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, By virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session at Sacramento, California, on Friday, the nineteenth day of December, 1941, at 11 o'clock, a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation augmenting the appropriation for the operation, maintenance, and organization of the State Guard during the Ninety-third and Ninety-fourth Fiscal Years, and amending Sections 321, 340, 395, and 555, of the Military and Veterans Code, with respect to the pay, privileges, allowances, and rights for the State Guard.

2. To consider and act upon legislation augmenting the appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941.

3. To consider and act upon legislation authorizing the use of public funds by counties, cities, and cities and counties, to meet emergencies caused by war or other public disaster.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this sixteenth day of December, A. D., 1941.

[SEAL]

CULBERT L. OLSON

Governor of California

Attest:

PAUL PEEK, Secretary of State

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, An extraordinary session of the Legislature of the State of California has been called under authority of Article V, Section 9, of the Constitution of the State of California to meet and assemble at Sacramento, California, on Friday, the nineteenth day of December, 1941, at 11 o'clock, a.m., of said day; now, therefore,

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, By virtue of the power vested in me by law, hereby, and prior to the time set for the convening of the Legislature on December 19, 1941, do issue this my Proclamation supplementing my Proclamation dated December 16, 1941, convening the Legislature to meet and assemble on December 19, 1941, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to wit:

4. To consider and act upon legislation authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations. This fourth subject is a modification of the third subject in the original call, and is added in order that legislation may be enacted under either of them, as may be deemed wise.

5. To approve or reject city charters and city charter amendments submitted to, approved and ratified by the electors under Sections 6, 8 and 8½, or any of them, of Article XI of the Constitution; to approve or reject county charters and county charter amendments submitted to, approved and ratified by the electors under Section 7½ of Article XI of the Constitution; and to approve or reject amendments to the charter of the City and County of San Francisco submitted to, approved and ratified by the electors of the city and county.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this nineteenth day of December, A. D., 1941.

[SEAL]

CULBERT L. OLSON

Governor of California

Attest:

PAUL PEEK, Secretary of State

RESOLUTIONS

The following resolutions were offered:

By Senator Slater:

Senate Resolution No. 1

Resolved, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

Resolution read, and on motion of Senator Slater, adopted.

By Senator Deuel:

Senate Resolution No. 2

Resolved, That Senator Wm. P. Rich be and he is hereby elected President pro tempore of the Senate; that Joseph A. Beek be and he is hereby elected Secretary of the Senate; that Joseph F. Nolan be and he is hereby elected Sergeant-at-Arms of the Senate; that Robert G. Alderman be and he is hereby elected Minute Clerk of the Senate; that Rev. H. W. Opperman be and he is hereby elected Chaplain of the Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

OATH OF OFFICE ADMINISTERED

The newly elected officers of the Senate, Senator Wm. P. Rich, President pro tempore; Joseph A. Beek, Secretary; Joseph F. Nolan, Sergeant-at-Arms; Robert G. Alderman, Minute Clerk; and Rev. H. W. Opperman, Chaplain, appeared at the bar of the Senate where the constitutional oath of office was administered to them by the Honorable Raglan Tuttle, Justice, Third District Court of Appeal, and they subscribed to the same.

RESOLUTIONS

The following resolution was offered:

By Senator Rich:

Senate Resolution No. 3

Resolved, That the Standing Rules of the Senate at the Fifty-fourth Session as they appear in the official Handbook of the Legislature of that session as amended in the Senate March 11, 1941, be and the same are hereby adopted as the Rules of the Senate for this extraordinary session, except that Rule 26 be stricken out and that Rules 13, 14, 16, 24 and 47 shall read as follows:

Committee on Rules

13. The Committee on Rules is charged with the general responsibility for the administrative functioning of the Senate. The committee shall also have the duty of making recommendations designed to promote, improve and expedite the business and procedure of the Senate, and of proposing any amendments to the Rules deemed necessary to accomplish such purposes.

The Committee on Rules will constitute the Committee on Introduction of Bills and shall have charge of engrossment and enrollment of bills, contingent expenses of the Senate and legislative printing except in so far as these functions are delegated to the Secretary of the Senate, and of attaches unless a Committee on Attaches is appointed.

The rooms, passages and buildings set apart for the use of the Senate shall be under the direction of the Committee on Rules and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives.

Executive communication of nominations sent by the Governor to the Senate for their confirmation, shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, without debate.

Schedule of Committee Meetings

14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit a full attendance of their members without conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Such schedules may provide a special schedule of committee meetings or upon certain days of the week or to meet any special condition which may arise.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned shall have full power and authority, during the session of the Legislature or any recess thereof, to make such investigation and study of and concerning any such proposed law or bill as such committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this Rule, each committee may appoint a secretary and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this Rule. It may employ such clerical, legal and technical assistants as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

The members of such committees are, and each of them is, authorized and empowered to administer oaths, and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate, or other person designated by the Sergeant-at-Arms or by the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

All officers of this State, including the Legislative Counsel and the heads of each department, agency and subdivision thereof, and all employees of such departments, agencies and subdivisions, and all other persons whether connected with the State Government or not, shall give and furnish to these committees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

Each standing committee may meet at the State Capitol and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it and may expend such money as may be made available by the Senate for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Introduction of Bills

24. Whenever a bill is received at the desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules which shall decide whether or not such bill can properly be considered at this session. If in the judgment of the Committee on Rules such bill can be considered it shall report it back and designate the committee to which it shall be assigned. Thereafter it shall be assigned a number by the Secretary, be read first time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

Vote Required

47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly or by these Rules, any action which can be taken by the Senate requires only a majority vote of the Senate, a quorum being present.

The following actions require 27 votes:

1. To pass urgency measures—(Constitution, Art. IV, Sec. 1).
2. To suspend constitutional provision requiring reading bills on three several days—(Constitution, Art. IV, Sec. 15).
3. To pass bills over the Governor's veto—(Constitution, Art. IV, Sec. 16).
4. To increase or diminish the number of superior court judges or to remove judges—(Constitution, Art. VI, Secs. 9, 10).
5. To propose constitutional amendments or revision of the Constitution—(Constitution, Art. XVIII, Secs. 1, 2).
6. To change rate of taxation for State purposes—(Constitution, Art. XIII, Secs. 14, 16).
7. To authorize deposit of public money in banks—(Constitution, Art. XI, Sec. 16 $\frac{1}{2}$).

8. To remove Railroad Commissioners—(Constitution, Art. XII, Sec. 22).
9. To change rates or conditions under the State Employees Retirement System—(Constitution, Art. IV, Sec. 22a).
10. To propose change in location of State capital—(Constitution, Art. XX, Sec. 1).
11. To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.
12. To suspend the Rule against lobbying in the Senate Chamber.
The following actions require 21 votes:
13. To amend or suspend the Rules.
14. To pass bills, unless under some other Rule a larger vote is required—(Constitution, Art. IV, Sec. 15).
15. To adopt a concurrent resolution approving a county or city charter or amendments thereto—(Constitution, Art. XI, Secs. 7½ and 8).
16. To adopt joint and concurrent resolutions.
17. To reconsider bills, joint and concurrent resolutions.
18. To confirm appointments by the Governor or to reconsider the same.
19. To recall a bill from committee.
20. To concur in Assembly amendments or to adopt a report of a Committee on Conference.
- Actions requiring 14 votes:
21. To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

By Senator Rich:

Senate Concurrent Resolution No. 1

Relative to Joint Rules of the Legislature

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Rules of the Senate and the Assembly adopted at the Fifty-fourth Session of the California Legislature be and the same are hereby adopted as Joint Rules of this extraordinary session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Mixter:

Senate Resolution No. 4

Resolved, That the Standing Committees of the Senate at the Fifty-fourth Regular Session be and the same are hereby retained as the standing committees for this extraordinary session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

By Senator Judah:

Senate Resolution No. 5

Resolved, That the President of the Senate appoint a Special Committee of Three Senators to notify the Governor of the organization of the Senate and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and unanimously adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Judah, Kenny and Cunningham.

By Senator Mayo:

Senate Resolution No. 6

Resolved, That the President of the Senate appoint a Special Committee of Three Senators to notify the Assembly of the organization of the Senate, and that the Senate is now duly organized and is ready to receive any communication it may have to make.

Resolution read, and unanimously adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Mayo, Breed and McBride.

By Senator Kenny:

Senate Resolution No. 7

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate elected the following statutory officers:

President pro tempore.....	Wm. P. Rich
Secretary of the Senate.....	Joseph A. Beek
Sergeant-at-Arms.....	Joseph F. Nolan
Minute Clerk.....	Robert G. Alderman
Chaplain.....	H. W. Opperman

Resolution read, and unanimously adopted.

MESSAGES FROM THE ASSEMBLY

At 11.35 a.m., a committee from the Assembly, consisting of Messrs. Maloney, Lyon and Dills, appeared at the bar of the Senate, and announced that the Assembly was duly organized and ready to proceed with the business of the State.

REPORTS OF SPECIAL COMMITTEES

The following reports of Special Committees were received:

Senators Judah, Kenny and Cunningham, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported that they had performed their duty.

Also:

Senators Mayo, Breed and McBride, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

MESSAGES FROM THE ASSEMBLY

At 11.45 a.m., a committee from the Assembly, consisting of Messrs. Desmond, Call and Michael J. Burns, appeared at the bar of the Senate

and invited the Senate to meet in Joint Convention with the Assembly to hear the message of Governor Culbert L. Olson.

RESOLUTIONS

The following resolutions were offered:

By Senator Rich:

Senate Resolution No. 8

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law:

Sensors	Town	Mileage	Total at 5 cents per mile
Biggar, George M.	Covelo	480	\$24 00
Breed, Arthur H., Jr.	Oakland	180	9 00
Brown, Charles	Shoshone	1,072	53 60
Carter, Oliver J.	Redding	320	16 50
Collier, Randolph	Yreka	556	27 80
Crittenden, Bradford S.	Stockton	94	4 70
Cunningham, R. R.	Hanford	436	21 80
DeLap, T. H.	Richmond	164	8 20
Deuel, Charles H.	Chico	202	10 10
Dillinger, H. E.	Placerville	100	5 00
Fletcher, Ed.	San Diego	1,032	51 60
Garrison, J. C.	Modesto	152	7 60
Gordon, Frank L.	Suisun	110	5 50
Jespersen, Chris N.	Atascadero	602	30 10
Judah, H. R.	Santa Cruz	326	16 30
Keating, Thomas F.	San Rafael	204	10 20
Kenny, Robert W.	Los Angeles	776	38 80
Kuchel, Thomas H.	Anaheim	834	41 70
Luckey, E. George	Brawley	1,178	58 90
Mayo, Jesse M.	Angels Camp	156	7 80
McBride, James J.	Ventura	908	45 40
McCormack, Thomas	Rio Vista	98	4 90
Metzger, D. Jack	Red Bluff	280	14 00
Mixter, Frank W.	Exeter	444	22 20
Myhand, Peter P.	Merced	226	11 30
Parkman, Harry L.	Millbrae	222	11 10
Phillips, John	Banning	944	47 20
Powers, Harold J.	Eagleville	744	37 20
Quinn, Irvin T.	Eureka	624	31 20
Rich, W. P.	Marysville	106	5 30
Seawell, Jerrold L.	Roseville	38	1 90
Shelley, John F.	San Francisco	182	9 10
Slater, Herbert W.	Santa Rosa	204	10 20
Swan, John Harold	Sacramento	2	10
Swing, Ralph E.	San Bernardino	894	44 70
Tickle, Edward H.	Carmel	424	21 20
Ward, Clarence C.	Santa Barbara	854	42 70

Officers	Town	Mileage	Total at 10 cents per mile
Patterson, Ellis E., President	Los Angeles	776	\$77 60
Beek, J. A., Secretary	Balboa	864	86 40
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	776	77 60
Alderman, Robert G., Minute Clerk	Berkeley	170	17 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

By Senator Cunningham:

Senate Resolution No. 9

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and directed to receipt to the Controller for warrants for members and officers of the Senate.

Resolution read, and unanimously adopted.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly elected the following officers for the Fifty-fourth (Extraordinary) Session:

Hon. Gordon H. Garland	-----	Speaker
Earl D. Desmond	-----	Speaker pro tempore
Arthur A. Ohnimus	-----	Chief Clerk
C. William Queale	-----	Minute Clerk
Wilkie Ogg	-----	Sergeant-at-Arms
Rev. Thomas H. Markham	-----	Chaplain

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

RECESS

At 12 p.m., on motion of Senator Rich, the President of the Senate declared a recess for the purpose of meeting with the Assembly in Joint Convention.

IN JOINT CONVENTION

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

At 12.05 p.m., the Senate and Assembly met in Joint Convention for the purpose of receiving the message of Governor Culbert L. Olson.

Hon. Gordon H. Garland, Speaker of the Assembly, directed that Lieutenant Governor Ellis E. Patterson, and President pro tempore of the Senate, Wm. P. Rich, be escorted to the platform.

ROLL CALLS DISPENSED WITH

Hon. Gordon H. Garland, Speaker of the Assembly, and Lieutenant Governor Ellis E. Patterson, President of the Senate, directed that roll calls of the Assembly and of the Senate be dispensed with.

PRESENTATION OF GOVERNOR CULBERT L. OLSON

Hon. Gordon H. Garland, Speaker of the Assembly, presented Governor Culbert L. Olson to the Joint Convention. The Governor delivered the following message:

Governor's Message to Legislators

Members of the Senate and the Assembly of the California Legislature

Protection of life and property in California by agencies of the State Government in the present serious state of emergency required the calling of this special session of the Legislature. The need of funds to support the State Guard, a large portion of which is now in service, and for augmentation of the State Emergency Fund, is so urgent that I did not dare risk delay in calling you into extraordinary session to appropriate funds for these emergency needs.

State Guard: Your Act of June 17, 1941, directed the Governor "to organize and maintain a State Guard with a minimum numerical strength of 10,000 persons and not to exceed such maximum numerical strength as the Governor may prescribe." This act was passed in recognition of the fact, as stated in its urgency clause, that "An emergency exists in the United States and the State of California in providing adequate armies and facilities for defense. A large rearmament program is also under way, in which the manufacturing, airplane, shipbuilding and other plants of this State are taking their part. The National Guard, which has heretofore been available to this State as an organization for the defense and for the guarding of

such plants and other places of strategic and Military value is being called into the service of the United States and many units thereof have already left the State in such service. It is therefore necessary that steps be taken to provide troops to take their place and to make the unorganized Militia more readily available for defense in this emergency and for the guarding of such plants and places of Military and strategic value." And under Section 554 of the Military and Veterans Code, the Guard may be called into active service of the State for the causes and purposes for which the Governor could call the National Guard into service before it was inducted into the Federal Army.

Pursuant to direction of the Act of June 17, 1941, I caused the State Guard to be organized with volunteer enlistments until its numerical strength exceeded 10,000 persons. On the seventh of this month, the date our Country was drawn into actual war by the Japanese attack, the numerical strength of the Guard was approximately 15,000 persons. On that same day I was requested by the War Department of the United States to call the Guard into service to provide troops for the guarding of plants and places of Military and strategic value in this State. At the same time I called for volunteers of 10,000 additional men, and within a week that additional number had enlisted in the Guard, and applications made by additional thousands for enlistment. The present strength of the Guard is, therefore, now 26,500 officers and men. Guard troops have been furnished, and a large portion of the personnel of the Guard is now on duty in the protection of plants and places of Military and strategic value, and resources and utilities vital to civilian welfare and public safety. Such requests for Guard protection have come not only from United States Army and Navy sources, but also from local governments for the protection of vital municipal utility supply plants. Response to these emergency calls for the services of the State Guard may, for an indefinite period, require the calling of all of its present personnel to active duty. Whether the full present strength of the Guard will be required on duty throughout the next year or during the rest of this biennium, or when, if at all, the Federal Government may make provision for guard duty at plants and places of Military and strategic value in this State, I do not know. Nor could anyone know definitely at this time. But it is certain that plants and places of Military and strategic value are also plants and places of great value to the State, as well as are other plants and places requiring protection from destruction.

I have called upon The Adjutant General to furnish me a budget of the financial requirements for the maintenance of the Guard, and he has furnished me with such a budget, predicated on activation of the full present strength of the Guard for a period of one year. The total amount of this budget is \$37,090,881; \$5,478,000 of which is predicated upon amendments to the Sections of the Military Code mentioned in Item 1 of your call to this special session. Under the present Military Code, officers of the Guard, while on duty, are entitled to the same pay and allowance as officers of equal rank in the Army and Navy of the United States. All other personnel, including noncommissioned officers, as well as privates, are entitled to receive \$2 per day while on duty. Proposed amendments of these sections of the Military Code, would provide a step up in the pay allowances to the ranks of noncommissioned officers above that allowed privates, ranging from \$720 per year to privates, to \$1,080 per year for first sergeants, and would provide for allowances to dependents, measured by that provided for dependents of enlisted men in the United States Army.

I am hoping and anticipating that the full present strength of the Guard may not be required on full-time duty throughout the coming year. I am hoping and anticipating, too, that the Federal Government will realize, before the end of the year, that it would be calling too severely on the financial resources of California to provide a military guard for all our resources, plants and utilities, and that as we settle down to continuing war conditions, provision may be made by the Federal Government for a large part of such guarding service. I have already taken this matter up with the War Department and the President, and it is receiving their attention.

Therefore, I recommend that at this time the Legislature appropriate, for pay allowances and maintenance to the State Guard, while in service, and for any substantial allowance that may be provided by amendments to the Military Code of the sections mentioned in the call, and for equipment, a total of at least \$17,500,000, to be used as may be needed during the rest of the current biennium.

An appropriation for active duty by the Guard is in the nature of emergency appropriation, because the Guard is in no sense to be maintained as a standing Army. It is an organized part of the State Militia, ready to be called to active duty as emergencies require, and to receive allowances for maintenance only while on active duty.

And I recommend that you also appropriate the further sum of \$9,250,000 to the regular State Emergency Fund. The appropriation to this fund for the current biennium in Item 216 of Section 2 of the Budget Act of 1941, was \$1,000,000 of which \$750,000 remains unexpended or unallotted.

It is impossible at this time to state the exact amounts required by any department or office of the State to meet war emergency needs for an expansion of its

services. Provision must be made to purchase items of equipment which will require time to fabricate. The exact volume of such equipment can not be determined precisely at the moment. The element of time and the readiness required to act, providing for the needs of this type as they become manifest, do not allow for delay in making funds available.

Some of the more important emergency needs, now known to exist or which seem probable to suddenly develop, but which can not be measured by any specific appropriation and which are in excess of the provisions of the 1941-1943 Budget, are as follows:

Department of Natural Resources: The Division of Forestry has imposed upon it by the conditions of war an emergency duty of the very first order and importance; namely that of fire prevention and suppression in the State's unincorporated area outside of National forests and parks. Experience abroad and, during the First World War, in this Country teaches us to expect a marked increase in the incidence of fires in forest, grain and brush lands as a result of sabotage attempts during war conditions. It may be anticipated, therefore, that the task of the Division of Forestry in suppressing many fires on scattered fronts will be substantially increased and greatly complicated. Additional equipment and manpower over and above the present budget will undoubtedly be required. In accordance with the State Fire Disaster Plan, approved by the State Council of Defense, this division has been called upon to man its 250 fire trucks throughout the winter months with a minimum crew of two, and to bring such equipment down out of the mountains into areas of higher hazard where it can serve as a highly mobile force of trained fire fighters and equipment. It is intended, under the plan, that the Division of Forestry facilities will be used as a standby force to replace city and suburban fire departments which may be called upon to suppress "disaster" fires, and actually to assist in the suppression of such fires when local facilities prove inadequate. It may also become necessary to place the division's fire dispatching service on a 24 hour basis, and to extend dispatching service to areas not now served, if rural fire fighting equipment is to be mobilized and controlled on a State-wide basis in meeting the fire disasters which, according to competent Military and fire fighting authorities, may be anticipated during war time.

Department of Public Health: The activities of this department are planned as an important part of the Civilian Defense Program in public health and welfare services, and for that reason the Director of Public Health was, by the State Council of Defense Act, made a member of that council. Funds must be made available to the Department of Health when needed for its services in epidemics, for any large evacuations of civilian populations. Its activities must be intensified in the protection of water supplies through the prevention of stream pollution, supervision of sewage disposal, inspection of food and drugs, rodent control and mosquito abatement, and general regulation of sanitation conditions. The vast expansion of industrial plants for defense production in California has increased the volume of work required of the Bureau of Industrial Hygiene. An increasing volume of work is being placed upon the Division of Laboratories and the Division of Vital Statistics. An increasing amount of services will be required by this department in the diagnosis of communicable diseases and in providing blood tests for the Selective Service. It may be necessary to extend the facilities of its laboratories, the manufacture of vaccines, and the examination of water supplies, chemical analysis of food products, and other laboratory services that will safeguard public health in wartime.

The Division of Vital Statistics is now being flooded with requests for birth certificates for men entering the Army or Navy, war industries, and communication services. It must search its files for certificates for American-born Japanese required to prove their citizenship.

State Department of Agriculture: Under the present "Food for Defense Program" as promulgated by the United States Department of Agriculture, the importance of greater production of foodstuffs and agricultural commodities is stressed. Every bureau within the State Department of Agriculture may be called upon for increased services in the attainment of the heavy production goals established by the United States Department of Agriculture for this State. Estimates of the amount of funds which may be needed to meet such requirement obviously can not be made at this time.

Department of Industrial Relations: Increase in employment generally in the State, as a result of the Defense Program and the war, has greatly exceeded all expectations upon which the budget for the Department of Industrial Relations was based. There have been increases in the occurrences of accidents in the war defense industries, and the necessity of providing additional safety engineers and inspectors in the Accident Prevention Bureau of the Division of Industrial Accidents and Safety, as may be required, may properly call upon allocations from the State Emergency Fund. And the Division of Fire Safety is being called upon for extraordinary work, far exceeding the capacity of the present staff.

Floods: The occurrence of floods during the high water periods always presented needs for emergency assistance from the Division of Water Resources, which now has no funds for that purpose. Many parts of California are threatened by and

suffer from flood conditions each year, for the relief of which emergency funds have been properly allocated.

Social Welfare: In the event it should become necessary to remove civilian populations from coastal defense areas to interior points, emergency services would be required of the Department of Social Welfare in providing care for evacuees.

State Council of Defense: The State Council of Defense must be placed upon an adequate basis as to technical staff, personnel and equipment. This council, which has been engaged in the formulation of Civilian Defense Plans in cooperation with the National Office of Civilian Defense, and for the organization of local defense councils, is now required to carry those plans into effect and to supervise and direct a multitude of tasks incident thereto, involving a large amount of detailed work on the part of its staff. It has already been necessary to make allotments to the work of this council from the existing Emergency Fund. Additional funds are now required, a budget for which can not be immediately and fully determined upon by the council. The necessary staff can not be presently predicted. It must be based upon actual need as the work of the council progresses.

The State Budget for 1941-1943, as drafted and approved, contemplated our Nation at peace during the two-year period which it covered. Now we are at war, and California has become a domestic front in this conflict.

A cursory review of the State Budget for 1941-1943 indicates that in some items, expenditures will be less than the amounts anticipated, while in other State services, emergency expenditures in excess of the appropriations now authorized will be required. Certain school costs will be less than the amounts estimated a year ago. Attendance at State colleges, junior colleges, and the University has fallen markedly below the budget estimates, and there has been some increase in high school enrollment. Although special vocational courses have been expanded in practically all schools as a result of the Defense Training Program, the increased cost for these classes will be more than offset by curtailed enrollment in regular secondary schools. State expenditures for aid to the needy aged, blind, and children will be below the budget estimates, to the extent of at least \$2,500,000.

On the other hand, the emergencies of war will make imperative expansions of certain services of other State governmental agencies. The safety and welfare of the civilian population of this State demands that moneys be made available to meet every emergency that may arise in the changed and still changing conditions resulting from a state of war.

In peace time, as much as \$8,545,000 has been appropriated as emergency funds in a biennium. Surely in war time, fraught with its perils to the safety of life and property in the State, an Emergency Fund of at least \$10,000,000 should be provided.

Supplementing my recommendation for appropriation of funds for the State Guard, it is further recommended that legislation be adopted to provide that enlisted men in the State Guard, when called into active service, shall receive an allowance for the support of their actual dependents.

It is also recommended that no change be made in the provisions concerning officers and that the private or apprentice seamen continue to receive \$2 per day but that for each step in rank above private or apprentice seamen, enlisted men shall receive a 10 per cent increase in base pay.

Section 340 of the Military and Veterans Code now provides that where members of the National Guard or Naval Militia not in active service of the United States are killed or injured in active service, such member or his dependents shall be entitled to receive benefits under the Workmen's Compensation Act. Section 395 of such code now provides that public officers or employees who are members of the National Guard or Naval Militia and who are called into active duty as such members shall be entitled to absent themselves while engaged in the performance of ordered Military or Naval duty. Such provisions should be made applicable to members of the State Guard, and I so recommend.

Doubt exists as to the authority of counties, cities, and cities and counties, to expend public fund either unbudgeted or budgeted for other purposes to meet expenses necessarily arising during a state of war. In order to provide ample authority to make needed expenditures, the third item of the original Proclamation for this session of the Legislature was made. Conferences concerning legislation to be adopted in regard to such subject revealed the fact that there was also a doubt as to the authority of various local districts and other local public agencies to make expenditures for war purposes, and that there was also doubt as to the authority of all local public agencies to use or permit the use of their property for war purposes. Such public agencies are being continually requested to make various of their facilities and property available for the use of the Army and other defense forces, and so, prior to the convening of this extraordinary session of the Legislature a Supplementary Proclamation was issued to permit legislation granting the authority mentioned to all such public agencies, and I recommend that you adopt such legislation.

I have also included in the call, as amended, the consideration of ratification of charter amendments of local governments.

Your State Council of Defense joins me in making these recommendations.

ADJOURNMENT OF JOINT CONVENTION

There being no further business, at 12.40 p.m., the Speaker of the Assembly declared the Joint Convention adjourned.

IN SENATE

RECONVENED

At 12.45 p.m., the Senate reconvened.

Lieutenant Governor Ellis E. Patterson, President of the Senate, in the chair.

Secretary Joseph A. Beek at the desk.

RECESS

At 12.47 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

SAN FRANCISCO, December 19, 1941

Honorable Ellis E. Patterson

The Senate, Sacramento, California

At a meeting of State Defense Council yesterday the council passed a resolution recommending that the Senate appropriate an undesignated amount of money to be given to cities and counties without adequate sums for the purchase of fire fighting, air raid warden service, hospital equipment, etc., and to be used by them wherever deemed necessary in the defense effort. It is not necessary to impress upon you that the California West Coast faces the possibility of immediate enemy attack. Nor should it be necessary to point out that the cities and counties involved can not, with the money now available to them, prepare for civilian defense adequately. We must do our utmost in preparation for any eventuality and take every step necessary to protect the lives and property of our citizens. May I respectfully, therefore, ask your favorable consideration of the above-mentioned motion, and in so doing, ask it both as Mayor of San Francisco and Director of Defense for the Metropolitan Bay Area.

ANGELO J. ROSSI

HUNTINGTON PARK, CALIF., December 19, 1941

Lieutenant Governor Ellis Patterson

State Senate, Sacramento, California

The City of Huntington Park urges aid to cities in the National defense emergency. However, any aid rendered should be on a basis of direct grant. We oppose any lend lease or other arrangement for the repayment over a period of years. We believe it much better to pay as we go rather than jeopardize future financial structures of cities. Reconstruction problems of cities will be great. Cities must plan now for financial help when it will be most needed. Most of the defense effort now expected of cities fall within State functions. The financial responsibility should be shared by the whole State. The effort will be made for State benefit.

MAYOR ELMER E. COX
City of Huntington Park

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Concurrent Resolution No. 2: By Senator Phillips—Relative to the use of the State Relief Administration properties by The Adjutant General.

Without reference to committee.

Senate Concurrent Resolution No. 3: By Senator Phillips—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Without reference to committee.

Senate Concurrent Resolution No. 4: By Senator Shelley—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Without reference to committee.

Senate Concurrent Resolution No. 5: By Senators Swan, Jespersen, Gordon, Breed, Biggar, Garrison, Fletcher, Carter, Brown, Collier, DeLap, Cunningham, Crittenden, Dillinger, Deuel, Kenny, Kuehel, Metzger, McCormack, Keating, Judah, Mayo, Luckey, McBride, Ward, Swing, Tickle, Myhand, Mixter, Rich, Quinn, Phillips, Parkman, Slater, Seawell, Shelley and Powers—Expressing regret at the illness of the Honorable J. I. Waggy.

Without reference to committee.

Senate Joint Resolution No. 1: By Senator Fletcher—Relative to the adoption of daylight saving time.

Without reference to committee.

Senate Joint Resolution No. 2: By Senators Kenny, Shelley and Phillips—Relative to memorializing Congress to enact the Price Control Bill in its original form.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1: By Senators Quinn, Swing and Garrison—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 2: By Senators Quinn, Swing, Keating, Seawell, Slater, McBride and Powers—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 3: By Senators Quinn, Swing, Garrison, McBride and Slater—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend,

use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof, to take effect immediately.

Referred to Committee on Local Government.

Senate Bill No. 4: By Senators Quinn, Swing, Keating, Seawell and Slater—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 5: By Senators Quinn, Swing, Seawell, Garrison, Slater, Keating and Powers—An act to amend Section 555 of, and to add Sections 555.5, 555.6 and 555.7 to, the Military and Veterans Code, relating to pay and allowances to members of the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 6: By Senators Quinn, Swing, Seawell, Keating and Slater—An act to amend Sections 340 and 395 of the Military and Veterans Code, relating to members of the State Guard, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 7: By Senator Seawell—An act to add Section 194 to the Military and Veterans Code, relating to fiscal procedures of The Adjutant General, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

MOTION TO SUSPEND RULES

Senator Rich moved that the Rules be suspended to permit Senate Bills Nos. 4, 5, 6 and 7 to be referred to the Committee on Finance instead of to the Committee on Military and Veterans Affairs.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, December 19, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the following appointments to the California State Council of Defense for the term at the pleasure of the Governor:

Archibald Young, Pasadena, President, California Council of Social Work.

Jesse W. Tapp, San Francisco, Vice President, Bank of America.

W. J. Cecil, Sacramento, Director, State Department of Agriculture.

Colonel F. E. Foster, Los Angeles, General Manager, California Oil and Gas Association.

James Musatti, San Francisco, General Manager, California State Chamber of Commerce.

C. J. Haggerty, Los Angeles, State President, American Federation of Labor.

John Despol, Los Angeles, representing Congress of Industrial Organization.

Harry See, San Francisco, State Representative, Brotherhood of Railroad Trainmen.

Dr. Ray Lyman Wilbur, Palo Alto, President, Stanford University.

Dr. Robert Milliken, Pasadena, California Institute of Technical Research.

Baldwin M. Woods, Berkeley, Consultant and Professor of Mechanical Engineering, University of California.

John B. Long, Los Angeles, General Manager, California Newspaper Publishers Association.

Major Milton T. Dean, Los Angeles, representing Negro groups.

Harold Kennedy, Los Angeles, Assistant County Council of Los Angeles County.

Dr. Samuel C. May, Berkeley, Chairman, State Planning Board.

E. F. Scattergood, Los Angeles, Los Angeles Department of Water and Power.

William Farrell, San Francisco, State Commander, American Legion.

H. T. Gustafson, Emeryville, State Commander, Veterans of Foreign Wars.

Mrs. Thomas Richards, Chico, Past President, California Federation of Women's Clubs.

Frank W. Clark, Sacramento, Director, State Department of Public Works.

Respectfully submitted.

CULBERT L. OLSON

Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, December 19, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the appointment of Judge P. J. McLaughlin to the State Board of Prison Directors, for the term ending January 12, 1944, vice Chris Merchant, deceased.

Judge P. J. McLaughlin is a native son of California, having been born 48 years ago in San Francisco. He received his education in the public schools of San Francisco, after which he entered into private business.

He has served in law enforcement work since October, 1925, when he became associated with the Special Agent's Department of the Southern Pacific Railroad Company as a criminal investigator. He was engaged in that capacity for eight years, after which he served as an investigator for the District Attorney's Office in Mendocino County for two and one-half years.

For the past six years Judge McLaughlin has served as Police Judge in the City of Salinas. He was appointed to the Board of Prison Directors, has been serving since July, 1941, and has devoted considerably more than the average amount of time to his board work since his appointment.

Respectfully submitted.

CULBERT L. OLSON

Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, December 19, 1941

*To the Honorable Members of the Senate,
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the appointment of Judge Allen M. Sacy of Willits to the Board of Managers of the Mendocino State Hospital, for the term ending August 7, 1945, vice Arthur Butzbach, failed to qualify.

Judge Sacy is the City Judge of Willits, and in addition is serving as city clerk for that community. He is also Secretary of the Willits Chamber of Commerce, Secretary of the Fraternal Order of Eagles, and active in all community affairs of his city and county. He, therefore, has taken an interest in the management of the Mendocino State Hospital, to which Board of Managers he was appointed on August 7, 1941.

Respectfully submitted.

CULBERT L. OLSON

Governor of California

Referred to Committee on Rules.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 2, at this time, for consideration.

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 3, at this time, for consideration.

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 4

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 4, at this time, for consideration.

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.
NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5

Senate Concurrent Resolution No. 5—Expressing regret at the illness of the Honorable J. I. Waggy.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 5, at this time, for consideration.

Senate Concurrent Resolution No. 5

Expressing regret at the illness of the Honorable J. I. Waggy

WHEREAS, At this Extraordinary Session of the Fifty-fourth Legislature the Senator from Kern County is unable to be in attendance through illness; and

WHEREAS, His Colleagues desire to express their deep regret for the temporary absence of their esteemed friend and the consequent loss of his valued advice and assistance; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That warmest sympathy and highest hopes for the speedy and complete recovery of the Honorable J. I. Waggy, of Kern County, are hereby expressed; and be it further

Resolved, That the Secretary of the Senate be hereby directed to forward a suitably prepared copy of this resolution to the Honorable J. I. Waggy.

Resolution read, and unanimously adopted.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 1

Senate Joint Resolution No. 1—Relative to the adoption of daylight saving time.

Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 1, at this time, for consideration.

Senate Joint Resolution No. 1—Relative to the adoption of daylight saving time.

Motion to Table

Senator Deuel moved that the above resolution be laid on the table.
Motion carried.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 2

Senate Joint Resolution No. 2—Relative to memorializing Congress to enact the Price Control Bill in its original form.

Motion to Refer Resolution

Senator Metzger moved that the above resolution be referred to the Committee on Governmental Efficiency.

Motion carried.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 6: By Senators DeLap, Phillips, Tickle, Breed, Ward and Kuchel—Relating to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.

Request for Unanimous Consent

Senator DeLap asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 6, at this time, for consideration.

Senate Concurrent Resolution No. 6—Relative to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 7: By Senator Swing—Relative to the enforcement of the provisions of law prohibiting the sale of alcoholic beverages to minors.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 7, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 7

Senate Concurrent Resolution No. 7—Relative to enforcement of the provisions of law prohibiting the sale of alcoholic beverages to minors.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, and Swing—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Joint Resolution No. 3: By Senator Kenny—Relative to sporting events held in the State of California.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 3, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 3

Senate Joint Resolution No. 3—Relative to sporting events held in the State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tickle—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Metzger:

Senate Resolution No. 10

Relating to the completion of the levee on the west side of the Sacramento River in the vicinity of Ord.

WHEREAS, Federal moneys are no longer available, due to present war conditions, for the completion of the levee on the west side of the Sacramento River in Levee District No. 1; and

WHEREAS, The original survey and plans called for the construction of the levee to the vicinity of Ord, and since it has only been completed as far as Glenn, approximately seven miles remain to be finished; and

WHEREAS, The work already taken in hand will be of no avail unless carried through to its termination, since when the river overflows its banks about Glenn it will inundate the country not only to the north of that point but also as far to the south as Princeton; now, therefore, be it

Resolved by the Senate of the State of California, That the present state of said levee be called to the attention of the Reclamation Board and that said board be requested to make sufficient funds available for the completion of the levee; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to the State Reclamation Board.

Resolution read, and unanimously adopted.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 2—Relative to the death of Assemblyman James M. Family

Request for Unanimous Consent

House Read aloud for and was granted unanimous consent to take up Assembly Concurrent Resolution No. 2, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 2

Assembly Concurrent Resolution No. 2—Relative to the death of Assemblyman James M. Family

Resolution read, and unanimously referred to a joint vote.
Resolution adopted unanimously by the Assembly.

ADJOURNMENT

At 4:15 p.m., on motion of Eugene Palk, the President declared the house adjourned until Friday, December 20, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH (EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, December 20, 1941

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tinkle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

WESTERN UNION

LONG BEACH, CALIFORNIA, December 19, 1941

*Honorable Ellis Patterson, Lieutenant Governor
State Capitol, Sacramento, California*

Absorption plants, refineries, shipbuilding, aircraft manufacturing and oil production, all essential instruments of war are located in Long Beach. Municipal resources inadequate provide proper protection against enemy action due to strain already on finances. State assistance necessary therefore we appeal to you for legislative appropriation of \$900,000 for additional fire, police and public service personnel and equipment to safeguard these basic industries.

CARL R. ERICKSON, City Manager

WESTERN UNION

LOS ANGELES, CALIFORNIA, December 20, 1941

President California State Senate

Following resolution to you urgent and unanimous tonite from Seventeenth District (Los Angeles metropolitan 50 posts) American Legion: "Be it resolved by the Seventeenth District American Legion Department of California in its meeting December 19th, that the State Legislature be petitioned to pass the necessary appropriation for shore facilities for the California Maritime Academy and the Governor be urged to sign such legislation as being in the interest of the National wel-

fare during this war and in accordance with action of American Legion Department of California Convention at Sacramento in August, 1941." Please read to Senate. It represents Legion stand.

HAROLD F. BERGAN
Seventeenth District Commander

OAKLAND, CALIFORNIA, December 19, 1941

*Honorable Ellis E. Patterson, President of the Senate
Senate Chamber, State Capitol, Sacramento, California*

DEAR MR. PRESIDENT: I have been instructed by the Peace Officers' Association of the State of California, the District Attorneys' Association of California, and the Sheriffs' Association of California to transmit to you for consideration the enclosed resolution concerning the National Emergency.

Very truly yours,

JAMES T. DREW

Secretary of the Peace Officers' Association of the State of California

Resolution

WHEREAS, The existence of a State of War between the United States Government and the Axis Powers has created an emergency in the State of California and made it necessary to have comprehensive plans for civilian defense of our entire State; and

WHEREAS, Said plans call for mutual aid and assistance on the part of the police, fire, and health services throughout the State; and

WHEREAS, These plans call for the use of an abnormal amount of police and fire equipment as compared with the ordinary requirements of the communities of the State; and

WHEREAS, Most of the counties and cities of the State are unable, because of budgetary requirements and statutes pertaining to the spending of public moneys, to purchase such equipment; now, therefore, be it

Resolved by the unanimous vote of the Executive Committees of the Peace Officers' Association of the State of California, the District Attorneys' Association of California, and the Sheriffs' Association of California, That the Governor and the Legislature of California be and they are hereby urged to adopt such legislation as will immediately provide the necessary means to adequately equip them and their auxiliaries for the important task of protecting our State and its political subdivisions from the dangers of fire, disorder and physical suffering which might otherwise result from widespread sabotage or bombing attacks; and be it further

Resolved, That a copy of this resolution be forwarded to the Governor, to the Lieutenant Governor, the President pro tempore of the Senate, the Speaker of the Assembly, the Speaker pro tempore of the Assembly and to each individual member of the Legislature.

Adopted this seventeenth day of December, 1941.

Very truly yours,

JAMES T. DREW, Secretary

OFFICE OF THE STATE BOARD OF EQUALIZATION
STATE OF CALIFORNIA, SACRAMENTO, December 19, 1941

*Honorable Ellis E. Patterson, Lieutenant Governor
State Capitol, Sacramento, California*

MY DEAR ELLIS: You will, I am confident, be interested in the attached progress report which I am making to the Members of the Legislature concerning the application of California sales, use and gasoline taxes with respect to transactions involving cost-plus-a-fixed-fee contractors engaged in construction of National defense facilities.

As a result of my successful negotiations with Federal officials at Washington, D. C., earlier this month, materialmen supplying these contractors will no longer be required to certify that reimbursement for the taxes has been excluded from the purchase price of the tangible personal property furnished. Thus, contractors, whether engaged in business on a lump sum or cost-plus-a-fixed-fee basis, are extended equal treatment under the laws and a situation which threatened to be a most disturbing factor in the effectiveness of the National Defense Program has been averted.

Estimates made by Federal officials indicate that additional revenue accruing to California on the basis of existing contracts or those immediately contemplated will be at least \$9,000,000. Consequently, not only does the agreement on the part of Federal officials that our original position was sound effect a more equitable tax incidence among our industries, but a substantial flow of revenue to the State will result.

Sincerely yours,

FRED E. STEWART

OFFICE OF STATE BOARD OF EQUALIZATION
STATE OF CALIFORNIA, SACRAMENTO, December 17, 1941

To the Members of the California Legislature

RE: Progress made in application of sales, use, and gasoline taxes with respect to cost-plus-a-fixed-fee contractors

Believing that you would be interested in a brief account of what has occurred since enactment of Senate Bill No. 484 (Chapter 831, Statutes of 1941), and Assembly Bill No. 1433 (Chapter 836, Statutes of 1941), relating to the taxable status of transactions with government contractors under the sales, use, and motor vehicle fuel tax laws, I am pleased to submit this progress report.

Board's View Upheld by Supreme Court

On November 10, 1941, the United States Supreme Court held that Alabama sales and use taxes applied with respect to sales to and use of materials furnished to cost-plus-a-fixed-fee contractors engaged in performance of construction of National defense facilities (*State of Alabama vs. King and Boozer*, 62 Sup. Ct. 43, 86 L. Ed. (Adv. Op.) 1, and *Curry vs. United States*, 62 Sup. Ct. 48, 86 L. Ed. (Adv. Op.) 6). It was ruled that purchases of tangible personal property made by such a contractor were his own and not those of the United States, so that they were subject to the Alabama sales tax. It was also held that materials bought by the contractor were used by him and not by the United States, so that the Alabama use tax was applicable. You will recall that this was precisely the position urged by the State Board of Equalization when similar questions with respect to California taxes were being considered by you at the last legislative session.

Application of Supreme Court Decisions to California

What the Supreme Court decided seemed controlling as to California taxes. Realizing, however, that large amounts were involved and that the Federal authorities would not concur in this view unless thoroughly convinced as to its soundness, I proceeded to Washington, D. C., shortly after the decisions were announced. I am happy to report that after several days of lengthy negotiations with numerous Federal authorities concerned, I was able to secure rulings from the United States Maritime Commission and the War and Navy Departments to the effect that the United States Supreme Court decisions above cited are applicable here. Copies of these memoranda are attached for your convenient reference.

Tar Moratorium Terminated on Current Transactions

Such action on the part of the Federal administrative agencies is deemed to have terminated the deferment under Chapters 681 and 836, Statutes of 1941, applying to the payment of sales, use, and gasoline taxes. The moratorium remains effective only when sellers have refrained from securing tax reimbursement because of the insistence of those representing the United States. That insistence has now been withdrawn. As to all current deliveries made to cost-plus-a-fixed-fee contractors, tax reimbursement may be included. This means that from now on tax returns and payments will be made in the usual way.

How This Benefits California

You will, I know, be as gratified as I am by the results of these negotiations, which may be summarized thus:

1. We shall enjoy the immediate benefits of the Alabama decisions without the necessity of further litigation and its attendant delays, uncertainties and cost.
2. Our industries which are furnishing materials and supplies to the contractors are relieved of any further anxiety as to the status of current and future transactions.
3. The contractors are relieved of such anxiety and know that they will now be reimbursed by the Government for costs incident upon the application of State sales, use, and gasoline taxes.
4. The way is left open for amicable and equitable adjustment of taxes accrued with respect to past transactions and in view of the fairness of the attitude of the Federal authorities, we may anticipate a satisfactory answer to the problems involved.
5. The discrimination which would otherwise have existed between contractors engaged in construction work on a cost-plus-a-fixed-fee basis and those doing such work on a lump sum basis has been removed, to the end that all are required to secure their materials and supplies on the same basis, viz., at prices which are inclusive of sales, use, and gasoline tax reimbursement.

Substantial Revenues Involved

It is impossible to state accurately at this time how much revenue will accrue to California as a result of the agreement by the Federal authorities that the decisions on the Alabama taxes are controlling. It will be noted that the memoranda issued by the War and Navy Departments have specific reference to our State. United States officials have estimated that on the basis of existing contracts or those def-

nately contemplated, additional revenue of not less than \$9,000,000 should accrue to California. When the possibility of collection of taxes on transactions already closed is taken into consideration, it will be seen that most substantial revenues are involved.

Moratorium Legislation of Material Aid

You are to be congratulated upon your foresight in enacting the moratorium provisions found in Chapters 681 and 836, Statutes of 1941. Without these, my task of securing the cooperation of the Federal authorities as evidenced by the attached memoranda would have been impossible of accomplishment. Our position was materially strengthened by the provisions of the acts. The fair attitude of the State as demonstrated by the waiver of penalties and interest, as well as the deferment of tax collections, did much to impel the Federal authorities to recognize the validity of our taxes without further controversy.

Legislative Support and Cooperation Appreciated

May I take this opportunity to thank you personally for your support in these matters and for the confidence expressed by your acceptance of our recommendations as to the desirability of legislation of this kind. Through your cooperation we have been enabled to secure large revenues to which the State is justly entitled and have avoided hardship on individual taxpayers which might otherwise have resulted. At the same time, we have preserved most friendly relations with the Federal Government with whom we now have common cause against those who are attempting to assault our Democracy.

Sincerely yours,

FRED E. STEWART

December 2, 1941

MEMORANDUM FOR: The Chief of the Air Corps, The Chief, Chemical Warfare Service, The Chief of Coast Artillery, The Chief of Engineers, The Chief, National Guard Bureau, The Chief of Ordnance, The Quartermaster General, The Chief Signal Officer, The Surgeon General

COPY TO: The Judge Advocate General

SUBJECT: California State Taxes

1. A number of inquiries have been received from cost-plus-a-fixed-fee contractors and from contracting officers supervising the administration of such contracts on projects in the State of California, concerning the reimbursable character of invoices presented by materialmen to cost-plus-a-fixed-fee contractors, where the materialman includes in the price of his goods retail sales, and/or use taxes imposed by the Statutes of California upon the vendor or materialman.

2. Pending further instructions, and subject to the provisions of applicable directives concerning direct purchases in relation to State taxes, contracting officers will inform fixed-fee contractors that such taxes, imposed with respect to purchases made on or after the date of this memorandum, will be reimbursed to the fixed-fee contractor in cases where such taxes have formed a part of the price paid by the fixed-fee contractor. Reimbursement will also be made to cost-plus-a-fixed-fee contractors for California gasoline taxes paid by them for gasoline purchases made after the date of this memorandum.

3. Retail sales and/or use taxes, although forming part of the total price of the goods, must be separately listed on the materialman's or supplier's invoice. The statement now required to be stamped or otherwise placed upon all vendor's invoices, "State or local sales taxes are not included in the amounts billed," should be deleted, and there will be added in its place the following:

"In case it shall ever be determined that the foregoing tax was not required to be paid by the vendor, the vendor agrees to make prompt application for the refund thereof, to take all proper steps to procure the same, and when received, to repay the same to the United States."

4. Contracting officers will require that fixed-fee contractors take advantage for the benefit of the United States of all statutory tax exemptions and refunds, including among others, the exemption of or refund of the tax on gasoline used elsewhere than on the highways.

By direction of the Under Secretary of War:

JOHN W. N. SCHULZ, Brigadier General, U. S. Army
Director of Purchases and Contracts

FROM: The Secretary of the Navy

To: All Bureaus and Offices, The Compensation Board, and Commandants of the Eleventh and Twelfth Naval Districts

SUBJECT: California State Sales or Use Taxes

1. The United States Supreme Court Decisions of November 10, 1941, in the cases of the *State of Alabama vs. King and Boozer* and the *State of Alabama vs.*

Curry,¹ have necessitated the modification of existing instructions with regard to State and local taxation which may be required in connection with cost-plus-a-fixed-fee contracts.

2. The California State Board of Equalization contends that the California sales and use taxes are applicable to certain purchases or uses, as the case may be, by cost-plus-a-fixed-fee contractors. While there are a few legal questions to be determined in connection with the application of the California tax, it appears that there is sufficient justification at the present time for allowing some taxes as reimbursable items of cost. In order to prevent delays in the acquisition of needed materials by cost-plus-a-fixed-fee contractors, and controversies with State tax officials, contracting officers are hereby advised that cost-plus-a-fixed-fee contractors should be informed that they will be reimbursed for the amount of sales or use taxes that have been added to the purchase price, or levied on account of the use of material or property purchases or used by such cost-plus-a-fixed-fee contractors on or subsequent to November 10, 1941, if a certification in the form set forth in paragraph 3 is obtained, and provided that such material or property has not been purchased directly by the United States for the account of a cost-plus-a-fixed-fee contractor or by the cost-plus-a-fixed-fee contractor in the name of and for the account of the United States.

3. Cost-plus-a-fixed-fee contractors, on requests for bids, are now required to obtain on the bids and on invoices, a certificate stating that in the prices set forth therein "State or local taxes are not included." This statement on the certificate may be deleted, and cost-plus-a-fixed-fee contractors are authorized to pay invoices, if otherwise correct, containing the following statement:

"The amount of State or local sales, use, occupational, gross receipt, or other similar taxes or license fees imposed on the vendor or vendee by reason of this transaction is \$----- The vendor or vendee, as the case may be, agrees upon direction of the United States to make appropriate claim for refund and in the event of any refund, to pay the amount thereof to the United States."

4. Rule No. 73 of the California State Board of Equalization, effective October 1, 1937, requires that retail sales or use taxes, although forming part of the total price of the goods must be separately listed on the material man's or supplier's invoice.

5. Taxes claimed due on transactions prior to November 10, 1941 shall not be paid by contractors, but in each instance a complete statement of circumstances in the nature of a claim shall be forwarded by the cost-plus-a-fixed-fee contractor through regular channels to the Secretary of the Navy for disposition.

6. Materials and supplies purchased for shipment to points outside the State of California, or passing through the State of California are not subject to California taxes, and invoices should clearly indicate that no California tax is included thereon.

7. Reimbursement will also be made to the cost-plus-a-fixed-fee contractors for California gasoline taxes paid by them.

8. Contracting officers will require that cost-plus-a-fixed-fee contractors take advantage, for the benefit of the United States, of all statutory exemptions and rights for refund. In the case of gasoline used elsewhere than on the highway, this refund represents the difference between the gasoline tax and the sales tax.

9. Necessary instructions shall be issued to field forces to put the foregoing into effect.

10. Specific instructions regarding the tax situation in other States will be issued separately.

State Taxation of Cost-Plus-a-Fixed-Fee Contractors

In a letter to the General Counsel, Maritime Commission, dated November 17, 1941, Samuel O. Clark, Jr., Assistant Attorney General, stated the position of the Department of Justice in connection with State Taxation of Cost-Plus-a-Fixed-Fee Contractors in the light of *State of Alabama vs. King and Boozer* and *John C. Curry vs. United States and Dunn Construction Company, Inc.*, decided by the Supreme Court of the United States on November 10, 1941.

"On Monday, November 10, 1941, the Supreme Court of the United States reversed the decisions of the Supreme Court of Alabama in the two cases, *State of Alabama vs. King and Boozer* and *John C. Curry vs. United States and Dunn Construction Company, Inc.* In both cases the court held that the relationship between cost-plus-a-fixed-fee contractors and the War Department was not such as would entitle the contractors to share the constitutional immunity of the United States from State taxation. Specifically the court held in the former case that purchases of materials made by the cost-plus-a-fixed-fee contractor were purchases made by the contractor and not by the United States and therefore were subject to the Alabama sales tax imposed upon purchases made within the State. In the latter case the court held that materials purchased by the contractor outside of the State for use

¹ No doubt the intended citation is *Curry vs. United States*, 62 Sup. Ct. 48, 86 L. Ed. (Adv. Op.) 6.

in construction work under the contract were used by the contractor and not by the United States, and that such use was subject to the Alabama use tax.

In appraising the extent to which these decisions settle the question of immunity as to cost-plus-a-fixed-fee contractors with other departments or agencies of the Government, whose contracts may differ in some particulars from the War Department contract which was before the court, it should be noted that the contract in question contained broad provisions that title to all articles should vest in the Government upon delivery at the site, and upon inspection and acceptance; that the purchase orders directed the supplier to ship the material to the United States Quartermaster; and that in the former case the inspection of the materials was made and title vested in the Government at the supplier's mill, rather than at the site of the work. The factor considered by the court as determinative was that the contractor, rather than the United States was liable for the cost of the materials. Accordingly, it appears that no constitutional immunity attaches to purchases made through the medium of contractors. This does not mean, and the court did not decide, that purchases of materials which are purchased and paid for directly by the United States are subject to State taxation.

The court expressly refused to consider the question whether such sales or uses would be constitutionally immune from State taxation if consummated upon a Federal reservation over which the United States had acquired exclusive taxing jurisdiction through cession of such jurisdiction by the State and acceptance by Congress. This question was raised by the pleadings in *John C. Curry vs. United States and Dunn Construction Company, Inc.*, but was not considered by the Alabama courts, since their decisions were based upon broader grounds. The Supreme Court remanded the case to the Supreme Court of Alabama for further consideration of this point. It is expected that the Supreme Court of Alabama will in turn remand it to the trial court. However, it is probable that Public No. 819, c. 787, 76th Cong., 3d Session, permits taxation of the contractors by the State on and after January 1, 1941.

With respect to motor fuel taxes, our study indicates that the acts in more than three-fourths of the states contain exemptions or provisions for refund, in one form or another, where consumption occurs off the highways. These exemptions can be made the basis for very substantial savings and it is therefore suggested that contractors or distributors be instructed to file appropriate claims."

Respectfully,

(Signed)

For the ATTORNEY GENERAL,
SAMUEL O. CLARK, JR.
Assistant Attorney General.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 1

Senate Concurrent Resolution No. 4

Senate Concurrent Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

RECESS

At 11.35 a.m., on motion of Senator Deuel, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred: Senate Bill No. 3

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out lines 17 to 20, inclusive; and on page 2, strike out lines 1 to 4, inclusive, and insert:

"(c) The governing board of such city, county, city and county, district or other public agency, by a four-fifths vote of all the members of such governing board at any regular or special meeting, may act on behalf of the city, county, city and county, district, or other public agency, in carrying into effect the powers conferred by the preceding subsections of this section."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 1

Assembly Concurrent Resolution No. 4

Assembly Concurrent Resolution No. 6

Assembly Concurrent Resolution No. 7

Assembly Joint Resolution No. 1

Assembly Joint Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies.

Without reference to committee.

Assembly Concurrent Resolution No. 4—Relative to reemployment of members of the State Guard called into active service.

Without reference to committee.

Assembly Concurrent Resolution No. 6—Relative to the untimely death of Captain Walter P. Kelly, Jr.

Without reference to committee.

Assembly Concurrent Resolution No. 7—Relative to adjournment on all respect to the memory of the late Morris Bedford Harris.

Without reference to committee.

Assembly Joint Resolution No. 1—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities.

Without reference to committee.

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

Without reference to committee.

REQUEST FOR UNANIMOUS CONSENT

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 7, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 7

Assembly Concurrent Resolution No. 7—Relative to adjournment on all respect to the memory of the late Morris Bedford Harris.

Resolution read and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Metzger asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 2, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 2

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

Motion to Amend

Senator Metzger moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 22, of the printed bill, strike out "an absolute necessity", and insert "absolutely necessary".

Amendment No. 2

On page 2, line 22, of the printed bill, strike out "do".

Amendment No. 3

On page 2, line 22, of the printed bill, strike out "so", and insert "curtail such activities during postwar period".

Amendments read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Metzger moved a call of the Senate.

Motion carried. Time, 3.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 3

Assembly Concurrent Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 3—Approving amendment to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Without reference to committee.

Assembly Concurrent Resolution No. 5—Commending Fred E. Stewart, member of the State Board of Equalization, for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Senators Garrison and Slater:

Senate Resolution No. 11

Since the last regular session of the State Senate, Lafayette J. Maddux, of Modesto, closed his Life Book.

Many of us remember him when he was a member of the State Senate some years ago and also remember his constant connection with State affairs in which his counsel was frequently sought in recognition of his distinguished ability and his knowledge of government.

Senator Maddux came of early pioneer ancestry in California. As a lad of three years he crossed the plains from Missouri, his birthplace, to California, and soon thereafter his parents settled in Sonoma County. There his boyhood days were spent and after attending the public schools he entered the Pacific Methodist College—then located in Santa Rosa and from which institution he graduated. He then went to Harvard University and studied law, graduating with high honors. He returned to California and soon thereafter located in Modesto where he practiced his profession for over half a century. He was deeply interested in education and served as a school trustee and also as President of the Stanislaus Board of Education. His counsel was sought in the organization of many irrigation districts, being recognized as learned in irrigation law. He served his county as district attorney for many years and then resumed the private practice of law.

He was elected State Senator of his district and served for four years, refusing reelection and desiring to devote his full time to his profession. He was appointed to the Superior Court Bench of Stanislaus County and served with distinction for several years. Later he was appointed a member of the State Industrial Accident Commission and gained State-wide attention by his decisions on many points involved in the administration of workmen's compensation and the other units combined in the Department of Industrial Relations.

He died at the age of 87 and up to within a short time of his passing was well equipped mentally and physically and thoroughly alive to all that was going on in the world about him. Throughout the State came many acknowledgments of appreciation of the distinguished pioneer citizen who had served the public in so many capacities and always held aloft the tenets of the Golden Rule.

Therefore, in appreciation of a life of devotion to duty and in token of the fact that he once served in the Senate of the State of California, be it

Resolved by the Senate of the State of California, That when it adjourns this day it do so out of respect to the memory of Lafayette J. Maddux; and be it further Resolved, That the Secretary of the Senate be, and he is hereby, directed to have suitably engrossed copies of this resolution forwarded to the members of the family of the late Senator Maddux.

Resolution read, and unanimously adopted by a rising vote.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.40 p.m., on motion of Senator Metzger, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the amendments to Assembly Joint Resolution No. 2 were adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kuchel, Luckey, McBride, Metzger, Myhand, Parkman, Phillips, Shelley, Slater, Swan, and Ward—22.

NOES—None.

Resolution ordered printed, and transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 8: By Senator Phillips—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 8, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 8

Senate Concurrent Resolution No. 8—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenting, Kuchel, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Phillips, Shelley, Slater, Swan, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 12

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning December 19, 1941, and the Con-

troller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
John Lea, Chief Assistant Secretary-----	\$9 00
Walter J. McLaughlin, Assistant Secretary-----	7 00
N. L. Levering, Assistant Secretary-----	7 00
Arthur R. Hughes, Assistant-at-desk-----	5 00
Mrs. Hazel Blackwell, Chief Stenographer-----	6 00
Marguerite Bridges, Stenographer-----	5 00
Thomas A. Wright, Assistant Sergeant-at-Arms-----	5 00
H. Perry Smith, Assistant Sergeant-at-Arms-----	5 00
Tony DeLap, Page-----	2 50
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms-----	5 00
Belle Tomasini, Stenographer-----	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Phillips, Shelley, Slater, Swan, and Ward—24.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3

Assembly Concurrent Resolution No. 3—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Phillips, Powers, Shelley, Slater, Swan, and Ward—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 4: By Senator McBride—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States.

Request for Unanimous Consent

Senator McBride asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 4, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 4

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 1, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 1

Assembly Joint Resolution No. 1—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 5, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 5

Assembly Concurrent Resolution No. 5—Commending Fred E. Stewart, member of the State Board of Equalization, for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters.

WHEREAS, Through enactment of Chapters 681 and 836, Statutes of 1941, payment of sales, use and motor vehicle fuel taxes arising out of transactions with contractors engaged in construction of National defense facilities on a cost-plus-a-fixed fee basis has been deferred, pending a final decision in a court of last resort that such taxes are applicable; and

WHEREAS, The United States Supreme Court, in decisions pertaining to taxes imposed by the State of Alabama, held on November 10, 1941, that such contractors were not the purchasing agents of the United States and, accordingly, that the transactions enjoyed no constitutional immunity from State taxation; and

WHEREAS, These decisions of the Supreme Court sustained the position advanced before this Legislature at its last session by the State Board of Equalization, as the administrative agency for the assessment and determination of California sales, use and motor vehicle fuel taxes; and

WHEREAS, It became of vital importance to the State of California to secure agreement from the Federal authorities that full force and effect should be given to these decisions in California, thereby terminating the deferment of tax liability arising out of deliveries of commodities to such contractors; and

WHEREAS, Marked initiative was shown by Honorable Fred E. Stewart, Member of the State Board of Equalization from the Second District, in proceeding to Washington, D. C., for the purpose of conferring with Federal officials and securing their agreement, as evidenced by memoranda issued by the War and Navy Departments and the Maritime Commission, confirming the application of California sales, use and motor vehicle fuel taxes in these transactions; and

WHEREAS, Honorable Fred E. Stewart, under date of December 17, 1941, has made a comprehensive report of his activity on behalf of the State of California in obtaining recognition from Federal authorities of the right of the State to these taxes which are substantial in amount; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring. That Honorable Fred E. Stewart be hereby commended for his outstanding service to the State in pointing out to the members of this Legislature the need for laws such as Chapters 681 and 836, Statutes of 1941, as well as for his initiative, resourcefulness, and perseverance in assuring local application of the doctrines enunciated in the United States Supreme Court decisions of November 10, 1941, upholding the imposition of Alabama taxes, thereby putting to an end any further uncertainty as to the payment of California taxes arising out of similar transactions, to the benefit not only of the State Government, but to all persons therewith concerned.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, December 20, 1941

Members of the Senate and Assembly

GREETINGS: For your information, in connection with the matters submitted to you for consideration in my call of the present extraordinary session, and for the information of the public as to the serious need for action on the part of the Legislature as recommended in my message to you yesterday, I respectfully call your attention to the attached communications which I have just now received from Lieutenant General J. L. DeWitt, Commanding General, Western Defense Command, Headquarters at the Presidio, San Francisco, California.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

Confidential

WAR DEPARTMENT

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY
PRESIDIO OF SAN FRANCISCO, CALIFORNIA

OFFICE OF THE COMMANDING GENERAL, December 19, 1941

*Honorable Culbert L. Olson
Governor of the State of California
Sacramento, California*

DEAR GOVERNOR: I can not emphasize to you too strongly the very real menace at this time to the National safety which arises from the presence in the States comprising the Western Defense Command, in which the State of California is included, of the considerable number of enemy aliens and possible fifth columnists.

Already, since the beginning of hostilities against this country, proof has mounted of fifth column activity and sabotage, particularly in Hawaii and the Philippines, which have caused serious property and Military damage and have contributed to the loss of many American lives.

Conditions which favored those activities and produced those results, exist within your State, and the opportunity for hostile activity of the kind here mentioned is increased during times when the people generally are occupied and their attention diverted by fairs, fiestas and public gatherings and occasions such as the Christmas and New Year's holiday season which is now at hand.

It is vital to the safety and well-being of all our people, as well as to the accomplishment of the mission of the Military Forces engaged in protecting them and their activities that you, through every means at your command, bring the actual and potential sources of such activities under the closest possible surveillance, and that you promptly furnish, or cause to be furnished to the Federal Bureau of Investigation or to the nearest Military authorities, information of suspicious aliens or other persons and of all suspicious activities whatsoever of the kind in question. In addition, all enemy aliens and others believed to be actually or potentially dangerous as fifth columnists or saboteurs should, as far as practicable, be denied entrance or access to sensitive areas such as oil fields, refineries and oil storage facilities, railroad and highway bridges, docks, essential utilities and industrial plants.

Specifically, and in addition to such other measures as may suggest themselves, I request that you give the widest publicity to the situation now existing through a Proclamation, reciting the existing facts, declaring the existence of an unlimited emergency, and if you have not already done so, authorizing the voluntary enrollment by State Guards and such other and additional protective forces as may be authorized by the laws of your State; that you designate some responsible and competent State official to coordinate, supervise and direct the activities of all regular peace and other law enforcement officers of your State in all matters, to coordinate all measures for State and civilian defense in cooperation with the Armed Forces of the United States, to direct and complete the Voluntary Civilian defense organization of your State and to expedite the enrollment and training of personnel for civilian protection services; and, finally, that you enjoin upon the people prompt compliance with the directives of duly constituted Military and civilian authorities.

I assure you that the measures above outlined, if promptly put into operation and carried through with energy and resolution, will immeasurably assist the protection of our people and the accomplishment of the Military mission assigned the undersigned as Commander of the Western Theatre of Operations (Western Defense Command).

I am taking all practicable steps with the troops and means under my command to insure the nonimpairment of those resources and activities essential to the National defense within the Western Theatre of Operations which comprises the States of California, Oregon, Washington, Nevada, Utah, Idaho, Arizona and Montana.

The accomplishment of the Military mission assigned, in all its ramifications, does not permit the assignment of troops for the protection of every possible place, facility or industry that is subject to sabotage and fifth column activity. The people in every State and every community of the Western Theatre of Operations have a definite responsibility in this regard; and it is in order to insure that they realize it and bring to bear every possible means for combating this insidious danger that I ask you to take the action requested herein.

I am furnishing a copy of this letter to the Military commanders responsible for the application of Military measures within your State with direction that they contact the municipal authorities within their areas to insure full cooperation and coordination between the action of the troops under their command and the civil authorities.

A letter similar to this one is being sent to the Governors of the other States named above as comprising the Western Theatre of Operations.

Very truly yours,
(Signed)

J. L. DEWITT
Lieutenant General, U. S. Army

WAR DEPARTMENT

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY
PRESIDIO OF SAN FRANCISCO, CALIFORNIA

OFFICE OF THE COMMANDING GENERAL, December 19, 1941

Honorable Culbert L. Olson
Governor of the State of California
Sacramento, California

DEAR GOVERNOR: Referring to my letter to you of this date concerning measures for the prevention of fifth column activities and sabotage, I have today received a copy of the Proclamation issued by you on December 14, 1941, reciting the existence of a state of war between the United States and Japan, Germany, and Italy.

This Proclamation substantially complies with the pertinent suggestions contained in my letter above mentioned.

Your prompt and vigorous action in thus proclaiming the existing state of war and in setting in motion the defense forces of your State is a source of much gratification.

Very truly yours,
(Signed)

J. L. DEWITT
Lieutenant General, U. S. Army

(COPY—TELETYPE)

7 Sac. 12-15-41 2.30 p.m., Emergency—All Points Bulletin

Proclamation**EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA**

WHEREAS, A state of war now exists between the Government of the United States of America and the governments of Japan, Germany and Italy; and

WHEREAS, With a thousand miles of coast line along the Pacific, the geographical position of the State of California places it in the first line of defense against invasion, and this State may at any time become a Theatre of War. Already enemy reconnaissance, if not bombing, planes are known to have passed along our coast and to have covered a part of the interior areas. Our great natural resources, our huge oil supplies, our enormous agricultural and industrial production, our numerous air craft factories, shipbuilding yards, and other facilities needed to sustain our Nation in the winning of the war, are the natural objectives of attempted aggressions of our enemies; and

WHEREAS, California is thus confronted with numerous and immediate problems arising out of the existing state of war, including the need for full cooperation of its citizens in carrying out plans and directions of the Army and the Navy and other war and civilian defense agencies of the Government of the United States and of the State and local governments in the successful prosecution of the war, and for home and civilian defense and protection of the life and property and the health and welfare of the civilian population; and

WHEREAS, The State of California has within its borders numerous extensive Military and Naval reservations and bases dependent upon its transportation and communication facilities, its port facilities, its bridges, dams, levees, utilities, essential to the successful prosecution of the war and to civilian protection, requiring in that protection the services of State and local governments; and

WHEREAS, The welfare and safety of the people of this State and the protection of its resources, utilities and facilities against sabotage and subversive activities calls for emergency actions on the part of State and local governments; and

WHEREAS, Plans are adopted by the State Council of Defense, in cooperation with the office of civilian defense of the Nation and of local councils of defense, for the purpose of meeting these requirements and responding to the needs of the people in any emergency, disaster or threat of disaster, in any part of the State; and

WHEREAS, The present emergency must be recognized by State and local governments and by the people in order that the plans and purpose of the State Government and its Council of Defense and the several local governments and their councils of defense may be successfully effectuated; now, therefore,

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, Under and by virtue of the authority vested in me as Chief Executive of the State of California, and in accordance with the Constitution and laws of the State, do hereby proclaim and declare that a state of emergency exists throughout the State of California, and I hereby designate the duly constituted officers of the State and of each city and of each city and county and of each county, as the officers to take charge of this emergency in their respective jurisdictions, and to carry into effect plans for civil protection adopted by the State Council of Defense and by local councils of defense in accordance therewith, in cooperation with the duly constituted authorities of the Government of the United States in the prosecution of the war and in provisions for civilian protection.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fourteenth day of December, A. D., nineteen hundred and forty-one.

[SEAL]

CULBERT L. OLSON,

Governor of California

PAUL PEEK, Secretary of State

Attest:

(THE GREAT SEAL OF THE
STATE OF CALIFORNIA)**REQUEST FOR UNANIMOUS CONSENT**

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bizzar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Jespersen, Judah, Kenny, Kuehel, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Syng, and Ward—30.

NOES—Senator Swan—1.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 8: By Senator Seawell—An act to add Section 555.5 to the Military and Veterans Code, relating to the right of members of the State Guard called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 4

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 15, of the printed bill, after "(c)", insert "needed or engaged in defense industry or work (f)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 4

Assembly Concurrent Resolution No. 4—Relative to reemployment of members of the State Guard called into active service.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 9: By Senator Ward—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of home guard units, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 11: By Senators Swan and Swing—An act to add Chapter 10, comprising Sections 475 to 496 to Part 1, Division 2 of the Military and Veterans Code, relating to the suspension of the enforcement of certain civil liabilities of persons in the Military Service of the State, and to the reemployment of such persons upon completion of such service, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 10: By Senator Tickle—An act to amend Section 555 of the Military and Veterans Code, relating to the organization and government of the State Guard, to take effect immediately.

Referred to Committee on Finance.

Senate Joint Resolution No. 5: By Senators Breed and Shelley—Relative to memorializing the President and Congress of the United States to give immediate consideration to the San Francisco Bay Project.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 5, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 5

Senate Joint Resolution No. 5—Relative to memorializing the President and Congress of the United States to give immediate consideration to the San Francisco Bay Project.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 6, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 6

Assembly Concurrent Resolution No. 6—Relative to the untimely death of Captain Colin P. Kelly, Jr.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 8

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 8—An act to add Section 555.5 to the Military and Veterans Code, relating to the right of members of the State Guard called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 9

Assembly Concurrent Resolution No. 10

Assembly Concurrent Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were offered:

Assembly Concurrent Resolution No. 9—Relative to distribution of legislative publications by the State Printer.

Without reference to committee.

Assembly Concurrent Resolution No. 10—Relating to the early closing of retail establishments during war.

Without reference to committee.

Assembly Concurrent Resolution No. 11—Relative to the holding of the State Fair in 1942.

Without reference to committee.

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Biggar, Breed, DeLap, Deuel, Dillinger, Kenny, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—15.

NOES—Senators Carter, Collier, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—21.

RECESS

At 7.15 p.m., on motion of Senator Rich, the Senate recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REQUEST FOR UNANIMOUS CONSENT

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 9, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 9

Assembly Concurrent Resolution No. 9—Relative to distribution of legislative publications by the State Printer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Denel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, and Swan—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 10, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 10

Assembly Concurrent Resolution No. 10—Relating to the early closing of retail establishments during war.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, and Swan—21.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 11, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 11

Assembly Concurrent Resolution No. 11—Relative to the holding of the State Fair in 1942.

Resolution read.

The roll was called and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Denel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, and Swan—21.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Slater:

Senate Resolution No. 13

Relative to expressing the regrets of Members of the Legislature on the death of Harry Caro.

WHEREAS, Word has come to the Members of this Legislature of the passing away on December 10th of Harry Caro; and

WHEREAS, Harry Caro served the Government of this State, faithfully and well, for over a decade as an Assistant Sergeant-at-Arms and Bookkeeper to the Sergeant-at-Arms of the Senate; and

WHEREAS, Harry Caro was well known and well loved by the older Members of this Legislature for his ever present kindness, loyalty, and devotion to duty; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Legislature express their sorrow at the passage from this life of Harry Caro; and be it further

Resolved, That the Secretary of the Senate be directed to transmit suitable copies of this resolution to the family of Harry Caro.

Resolution read, and unanimously adopted by a rising vote.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 6: By Senator Metzger—Relative to flood control on the Sacramento River.

Request for Unanimous Consent

Senator Metzger asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 6, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 6

Senate Joint Resolution No. 6—Relative to flood control on the Sacramento River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Slater, Swan, and Ward—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 14

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning December 19, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same.

	<i>Seven days per week</i>
Ruth Hopkins, Stenographer-----	\$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, Swan, and Ward—23.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 3

Assembly Joint Resolution No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 3—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color.

Without reference to committee.

Assembly Joint Resolution No. 4—Relating to priorities for the manufacture of farm machinery.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 4, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 4

Assembly Joint Resolution No. 4—Relating to priorities for the manufacture of farm machinery.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES.—Senators Biggar, Brown, Crittenden, Cunningham, Denel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, Swan, and Ward—23.
NOES.—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature;

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941;

Senate Concurrent Resolution No. 5—Expressing regret at the illness of the Honorable J. I. Wagy;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of December, 1941, at 6 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 3

Senate Bill No. 8

Senate Bill No. 4

And reports the same correctly engrossed.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 13—Relative to the revocation of certain paroles.

Without reference to committee.

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 3, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 3

Assembly Joint Resolution No. 3—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jepsen, Judah, Keany, Kuchel, McBride, McCormack, Metzger, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bills Nos. 8, 3 and 4 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jepsen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 8

Senate Bill No. 8—An act to add Section 555.5 to the Military and Veterans Code, relating to the rights of members of the State Guard

called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

Bill read second time.

Senate Bill No. 8—An act to add Section 555.5 to the Military and Veterans Code, relating to the rights of members of the State Guard called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read second time.

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—32.
NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILL NO. 4

Senate Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.
NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 13, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 13

Assembly Concurrent Resolution No. 13—Relative to the revocation of certain paroles.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Tickle, and Ward—26.

NOES—Senators Carter, Dillinger, Garrison, Keating, Kenny, Luckey, Shelley, and Swan—8.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 6

Senate Bill No. 7

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 1

Senate Bill No. 2

Senate Bill No. 5

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

MIXTER, Chairman

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 6—An act to amend Sections 340 and 395 of the Military and Veterans Code, relating to members of the State Guard, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 7—An act to add Section 194 to the Military and Veterans Code, relating to fiscal procedures of The Adjutant General, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 2—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, strike out line 3, and insert: "ten million dollars (\$10,000,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 5—An act to amend Section 555 of, and to add Sections 555.5, 555.6 and 555.7 to, the Military and Veterans Code, relating to pay and allowances to members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 2 of the title of the printed bill, strike out "555.6 and 555.7", and insert "and 555.6".

Amendment No. 2

On page 1 of the printed bill, strike out lines 25 and 26; and on page 2, strike out lines 1 to 13, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

MOTION TO SET SPECIAL ORDER

Senator Breed moved that Senate Bill No. 1 be made a special order of business for Sunday, December 21, 1941, at 10.30 a.m.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 12: By Senators Shelley, Kenny, Keating, Fletcher, Crittenden and Parkman—An act relating to the furnishing of defense equipment to cities, counties, and cities and counties through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Referred to Committee on Local Government.

ADJOURNMENT

At 11 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., December 21, 1941, out of respect to the memory of former Senator Morris Bedford Harris, and former Senator Lafayette J. Maddux.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Sunday, December 21, 1941

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 2
Senate Bill No. 5
Senate Bill No. 6
Senate Bill No. 7

And reports the same correctly engrossed.

RICH, Chairman

CONSIDERATION OF SPECIAL ORDER

The hour of 10.30 a.m. having arrived, Senate Bill No. 1 was taken up.

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read third time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 5

On page 1 of the printed bill, before line 12, insert
 "No money appropriated by this act to the Emergency Fund shall be transferred therefrom or made available for expenditure without the unanimous consent of the Attorney General, the Controller and the Governor."

Previous Question

Senator Deuel moved the previous question.

Motion carried.

The question being upon the adoption of Amendment No. 5.

Roll Call Demanded

Senators Garrison, Crittenden and Jespersen demanded a roll call.

The roll was called, and Amendment No. 5 adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Fletcher, Gordon, Judah, Kenny, Kuehel, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Rich, Tickle, and Ward—19.

NOES—Senators Brown, Carter, Cunningham, Deuel, Dillinger, Garrison, Jespersen, Keating, Luckey, McBride, Myhand, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—18.

Further Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In lines 3 and 4 of the title of the printed bill, strike out "declaring the urgency hereof,".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "ten million dollars (\$10,000,000)", and insert "five million dollars (\$5,000,000)".

Amendment No. 3

On page 1 of the printed bill, strike out lines 8 to 11, inclusive.

Amendment No. 4

On page 1 of the printed bill, after line 11, insert

"No money appropriated to the Emergency Fund by this act shall be transferred to or made available for expenditure, directly or indirectly, under the provisions of Chapter 662 of the Statutes of 1929 relating to the State Emergency Council."

Amendment No. 6

On page 1 of the printed bill, strike out all of lines 12 to 25, inclusive, and insert

"SEC. 2. This act inasmuch as it makes an appropriation for the usual current expenses of the State shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 13: By Senators Seawell, Collier, Carter, Biggar, Keating, Powers, Deuel, Mayo, Metzger, Dillinger, Brown—An act augmenting the Emergency Fund to provide money for the support

of the Division of Forestry, for fire prevention and suppression, to take effect immediately.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred: Senate Bill No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

POWERS, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 9

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

RECESS

At 12.20 p.m., on motion of Senator Rich, the Senate recessed until 4 p.m.

REASSEMBLED

At 4 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption to:

Senate Joint Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion;

Senate Concurrent Resolution No. 6—Relative to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 12 m.

RICH, Chairman

SECOND READING OF SENATE BILLS

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of home guard units, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 2 of the printed bill, strike out all of lines 43, 44, 45 and line 46 up to and including "Chapter."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes.

Without reference to committee.

Assembly Concurrent Resolution No. 17—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray.

Without reference to committee.

Assembly Joint Resolution No. 6—Relative to memorializing Congress to oppose federalization of State Unemployment Insurance and employment services.

Without reference to committee.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 6, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 6

Assembly Joint Resolution No. 6—Relative to memorializing Congress to oppose federalization of State Unemployment Insurance and employment services.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, and Ward—29.

NOES—Senator Swan—1.

Resolution ordered transmitted to the Assembly.

REMARKS

Senator Cunningham read the following telegram addressed to Senator Frank W. Mixter, which, on motion of Senator Swing, was ordered printed in the Journal:

LINDSAY, CALIFORNIA

DEAR GRANDPA: I arrived at 3.30 today. Mother and I doing well.

(Signed)

WILLIAM FRANCIS WARE

REQUEST FOR UNANIMOUS CONSENT

Senator Mixter asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 5, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 5

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny,

Kuchel, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 17, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray.

Resolution read, and unanimously adopted by a rising vote.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 14: By Senator Seawell—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Senators Breed, Shelley, Kenny and DeLap:

Senate Resolution No. 15

WHEREAS, The several States along the Pacific Ocean are separated from the populous portion of our Nation by nearly 1,500 miles of sparsely settled territory of mountains, deserts and plains across which are few railroads and few highways and all of which are vulnerable to enemy attack; and

WHEREAS, The State of California embraces three-fifths of the Pacific Coast line of the United States and contains seven-tenths of the population of all of the States bordering on the Pacific Ocean; and

WHEREAS, California's immense natural resources include 12,000,000 acres of crop lands and 24,000,000 acres of grazing lands which constitute the only area of the entire Western Hemisphere facing the Pacific Ocean that is capable of sustaining a population of many millions independent of food importation; together with untold oil, natural gas, hydroelectric energy, timber and mineral wealth, and gigantic industrial power and potentialities; and California is that area bordering the Pacific shores of the Western Hemisphere most vital to and most worth the cost to the enemies with whom we are at war to endeavor to attack, destroy, invade, or conquer, or to have and to hold; and

WHEREAS, California, an empire in itself, and occupying the most strategic position on the Pacific Coast, provides an inviting objective for enemy military and naval operations; and by reason of its remoteness from eastern sources of supplies and materials, men and equipment, is vulnerable to a marked degree; and

WHEREAS, The building of certain rock walls, ship locks, ship channel, and the filling in of certain lands in the shoal waters of San Francisco Bay to construct what is known as "San Francisco Bay Project" or The Reber Plan would create two impregnable all-land crossings of San Francisco Bay and would connect both the Marin and the San Francisco peninsulas with the mainland; would create fresh water lakes of five-sixths of San Francisco Bay and thereby provide the only indestructible fresh water supply for domestic, industrial, and irrigation needs of the San Francisco Bay Area; create sites for a main naval base, submarine and torpedo boat base in San Francisco Bay with added shipbuilding expansion and adequate dry-dock facilities; create sites for three new airports of 900, 1,200 and 2,000 acres, respectively, in the heart of the San Francisco metropolitan area;

create impregnable underground storage depots in solid rock for the storing of all munitions and implements of war for the Army, Navy and air forces, together with similar impregnable storage in solid rock for aviation gasolines, fuel and lubricating oils; create huge impregnable underground hangars in solid rock for the safe housing of thousands of fighting planes; magnify the deep-water harbor facilities of the San Francisco Bay Area manifold and aid navigation throughout all of San Francisco Bay; connect all fortifications and all defense areas of the San Francisco Bay Region with impregnable all-land transportation for trains, all types of motor vehicles and military equipment, together with carrying all gas mains, electric power lines, telephone and telegraph cables across the bay on all land routes; advance the industrial, agricultural, residential, recreational and cultural growth of California and aid in solving the salinity, pollution, commuting and flood problems of this State; reclaim hundreds of thousands of acres of marsh lands and supply irrigation water thereto and to additional hundreds of thousands of acres of fine agricultural lands and create adequate acreage for the growing of guayule or other rubber-producing flora; and provide the physical requisites for making the San Francisco Bay Area of California the strongest-fortified area in the Western Hemisphere and thus add to and aid the defense of all of California and the West Coast of America; now, therefore, be it

Resolved by the Senate of the State of California, That the President of the United States, as Commander in Chief, and the Congress thereof are hereby respectfully urged to cause an immediate study of the project to be made by the appropriate defense authorities, and to consider favorably the building of the aforesaid defense project; and be it further

Resolved, That the Secretary of the Senate forward a copy of this resolution to the President of the United States and to the California Members of the Congress and to the members of the Military and Naval Affairs Committees of the Congress.

Resolution read, and unanimously adopted.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 7: By Senators Powers and Tickle—Relative to memorializing Congress to consider the desirability of growing guayule rubber in the United States, and to enact legislation to encourage and assist in a program of domestic production of guayule rubber.

Request for Unanimous Consent

Senator Tickle asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 7, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 7

Senate Joint Resolution No. 7—Relative to memorializing Congress to consider the desirability of growing guayule rubber in the United States, and to enact legislation to encourage and assist in a program of domestic production of guayule rubber.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuehel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 2—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—Senator Biggar—1.

Motion to Reconsider

Senator Kenny moved to reconsider the vote whereby Senate Bill No. 2 was passed.

Reconsideration Waived

Senator Kenny moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 2 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 5—An act to amend Section 555 of, and to add Sections 555.5 and 555.6 to, the Military and Veterans Code, relating to pay and allowances to members of the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 6—An act to amend Sections 340 and 395 of the Military and Veterans Code, relating to members of the State Guard, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman,

Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 7—An act to add Section 194 to the Military and Veterans Code, relating to fiscal procedures of The Adjutant General, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 13

Has had the same under consideration, and reports the same back without recommendation, except that it be placed on inactive file.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Seawell asked for, and was granted, unanimous consent to take Senate Bill No. 13 from the inactive file for the purpose of consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bill No. 13 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 13

Senate Bill No. 13—An act augmenting the Emergency Fund to provide money for the support of the Division of Forestry, for fire prevention and suppression, to take effect immediately.

Bill read second time.

Senate Bill No. 13—An act augmenting the Emergency Fund to provide money for the support of the Division of Forestry, for fire prevention and suppression, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 12

Has had the same under consideration, and reports the same back with amendments without recommendation, except that the amendments be adopted.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 12—An act relating to the furnishing of defense equipment to cities, counties, and cities and counties through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "and cities and counties", and insert "cities and counties, districts, or other public agencies".

Amendment No. 2

On page 1, line 10, of the printed bill, strike out "or city and county", and insert "city and county, district, or other public agency".

Amendment No. 3

On page 1 of the printed bill, strike out lines 13 and 14.

Amendment No. 4

On page 1, lines 18 and 19, of the printed bill, strike out "twenty million dollars (\$20,000,000)", and insert "five million dollars (\$5,000,000)".

Amendment No. 5

On page 2, line 5, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 6

On page 2, line 8, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 7

On page 2, lines 20 and 21, of the printed bill, strike out "executive committee or executive director or both", and insert "State Council".

Amendment No. 8

On page 2, lines 27 and 28, of the printed bill, strike out "through the executive committee".

Amendment No. 9

On page 2, line 30, of the printed bill, strike out "through the executive committee".

Amendment No. 10

On page 2, line 33, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 11

On page 2, line 35, of the printed bill, strike out "through the executive committee".

Amendment No. 12

On page 2, lines 41 and 42, of the printed bill, strike out "through the executive committee".

Amendment No. 13

On page 2, line 44, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 14

On page 3, line 2, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 15

On page 3, line 12, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 16

On page 3, line 14, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 17

On page 3, line 21, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 18

On page 3 of the printed bill, strike out lines 24 to 28, inclusive, and insert "Sec. 16. At any time any agency which has secured equipment from the State pursuant to this act and which desires to purchase the equipment from the State may acquire the equipment upon such terms and conditions as the State Council may prescribe."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**MOTION TO RESCIND ACTION ON ASSEMBLY CONCURRENT
RESOLUTION NO. 15**

Senator Deane moved that the action whereby Assembly Concurrent Resolution No. 15 was refused adoption, be rescinded.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 5.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
MOTION TO PRINT EDITORIAL IN JOURNAL**

Senator Kenny moved that an editorial appearing in the Long Beach Independent on December 21, 1941, be printed in the Journal.

Motion carried.

Editorial, Long Beach Independent, Sunday, Dec. 21, 1941

California's State Guard

Thousands of patriotic, duty inspired Californians have undergone intensive training of a Military nature in the ranks of the California State Guard. These men purchased their own uniforms, donated their time and services without stint in order to equip themselves for the protection of life and property in the event of insurrection, catastrophe or hostile incursions into this State.

Since the Nation has entered into the war the Legislature has been called into session and will undoubtedly appropriate money with which to pay the Guard when it is called into actual service.

As it now stands the Guard offers possibilities for designing politicians and office seekers to utilize it as an instrument for political purposes. The Legislature should provide safeguards against misuse of the Guard by individuals or groups of a political nature.

Governor Olson owes it to the people of this State to return at once the *signed undated resignations* of every officer in the Guard which were required of these officers at the time they volunteered for service. If an officer does not perform his duty he can be called upon and court-martialed by duly constituted authority. To leave discipline open to whim or to caprice or to political manipulation is not democratic and is not ethical.

This system of unsigned resignations has tended to place into the hands of a chosen few the possibility of removing any officer they choose without the formality of investigation or court-martial. It offers an opportunity for political cliques to control the personnel and officers of the Guard. That situation must not be allowed to maintain and the Legislature should demand that it be corrected.

The people of this State do not propose to allow the State Guard to be an instrument of political policy and the Governor as Commander-in-Chief can set this to rights now if he sincerely believes in the Guard as a nonpolitical State security force.

There should also be stringent provisions against membership in the Guard of elective officeholders or those campaigning for such offices. There should be prohibitions against the enrollment in the Guard of peace officers or law enforcement officials and employees of State, county and city political subdivisions engaged in

any of the emergency, law enforcement or vital civilian activities of the State, county or city.

Above all else, Military organization and decentralization of commands into definite areas should be maintained. There is no reason for instance why Los Angeles should set the policy for the organization of the Long Beach Guard units who operate in a distinct area with distinct and individual problems of its own. Regimental Headquarters should be maintained and operated from area command centers and not from group commands centralized in certain metropolitan areas. Regimental Commanders should have the authority and power to operate in their own areas according to their better judgment and not be forced to report elsewhere for debates and meetings as to what they should do as determined by opinion generated elsewhere. That is to say he should of course obey the commands of his superiors but strictly on a basis of sound Military organization. Plans should be carried out from the top down and the initiative and peculiar requirements of definite areas be recognized.

The Guard is dedicated to the service of the people of the State and not to the service of political leaders and that policy must be established now.

MOTION TO PRINT STATEMENT IN JOURNAL

Senator Quinn moved that his statement in answer to the editorial appearing in the Long Beach Independent be printed in the Journal.

Motion carried.

Statement by Senator Irwin T. Quinn

The editorial that appeared in the Long Beach Independent today to the effect that Governor Olson has exacted undated resignations from all commissioned officers in the California State Guard is untrue. For the benefit of the record and in explanation of the accusation that appeared in this editorial certain officers in a certain local section did ask the officers, including themselves, to sign resignations addressed to the Governor, but absolutely unknown to the Governor or The Adjutant General or his office and immediately upon The Adjutant General learning these facts The Adjutant General telephoned to the Executive Officer of that section and directed that all of these resignations be immediately destroyed. This order was later corrected to tell them to hold those resignations until The Adjutant General arrived in person in Los Angeles so that he could, himself, personally destroy all of these resignations. This happened shortly before the attack on Pearl Harbor and The Adjutant General arrived in Los Angeles on that day with considerable turmoil and business to take care of and these resignations were placed in the safe where they now rest and are awaiting The Adjutant General's personal disposition, which will be their destruction upon his arrival on his next trip to Los Angeles. Since then his duties have not permitted him to go to Los Angeles. The officer who proposed this procedure is no longer associated in an active capacity with the State Guard. This is the only section in which this occurred.

The Adjutant General gave me this information, as well as the Governor.

The Adjutant General informs me that he has never made such a request and never will, that he is entirely opposed to such un-Military and undemocratic methods.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 9

And reports the same correctly engrossed.

RICH, Chairman

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 6 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the action whereby Assembly Concurrent Resolution No. 15 was refused adoption was rescinded by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metz-

ger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Swing, Tickle, and Ward—27.

NOES—Senators Carter, Cunningham, Garrison, Jespersen, Keating, McBride, Seawell, Shelley, Slater, and Swan—10.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of Home Guard units, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Luckey, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Previous Question

Senator Metzger moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 9.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Swing, Tickle, and Ward—29.

NOES—Senators Dillinger, Keating, Kenny, Quinn, Shelley, and Swan—6.

Bill ordered transmitted to the Assembly.

ADJOURNMENT

At 6:30 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., December 22, 1941, out of respect to the memory of the late Myrtle Venelia Murray.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, December 22, 1941

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Col. Rupert Hughes, Col. Lewis Stone, Col. Jack Hastie, Major Frank Nolan and Major Karl W. Marks, of Los Angeles.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 12

And reports the same correctly engrossed.

RICH, Chairman

RECESS

At 10.17 a.m., on motion of Senator Rich, the Senate recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 4
Assembly Bill No. 26

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Concurrent Resolution No. 18—Relative to the purpose and function of the State Guard.

Without reference to committee.

Assembly Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to

the State Guard, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Call of the Senate

Senator DeLap moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 2.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

RESOLUTIONS

The following resolution was offered:

By Senator Swan:

Senate Resolution No. 16

Relating to the death of Frank Bottaro, Senior

WHEREAS, The members of the Senate are deeply grieved to learn of the sudden death of Frank Bottaro, Senior, a distinguished citizen of this State, at the age of 91 years; and

WHEREAS, His passing has brought sorrow not only to his children, John J. Bottaro, Fred Bottaro, Mrs. Teresa De Costa and Mrs. Julia Gabrielli, and his grandchildren, Frank Bottaro, Jr., and Mrs. Evelyn Oliver, but to a multitude of friends throughout California; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate hereby expresses its profound regret and sympathy to the members of the family of the late Frank Bottaro, Senior; and be it further

Resolved, That the Secretary of the Senate be hereby instructed to forward suitably prepared copies of this resolution to the family of the deceased.

Resolution read, and unanimously adopted by a rising vote.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 15: By Senator Seawell—An act to add Section 555.15 to the Military and Veterans Code, relating to the organization of home defense units within the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Crittenden, ordered printed in the Journal:

Report on National Defense Aspects on the Areas Subject to Floods
in the Sacramento and San Joaquin Valleys

By COLONEL A. M. BARTON, Chief Engineer and General Manager,
State Reclamation Board

Submitted at the request of SENATOR BRADFORD S. CRITTENDEN,
Chairman Joint Interim Committee on Water Problems

December 10, 1941

*Colonel A. M. Barton, Chief Engineer and General Manager
California State Reclamation Board, Sacramento, California*

DEAR COLONEL BARTON: As you are fully aware, the Sacramento River Flood Control Project, with its by-passes, levees and reclamation districts constitutes a

protection to the vast agricultural areas of the Sacramento Valley, the products of which are vitally necessary to our National defense in the present emergency. If damage occurs to the levees of the Sacramento and San Joaquin Rivers through sabotage or subversive activities of enemy groups, irreparable damage and possible loss of life will result therefrom.

I have been requested by the chairman of this committee, Senator Bradford S. Crittenden, to ask you to furnish this committee with complete and full information on the following subjects.

(1) What measures and precautions are, or should be taken, to protect the Sacramento River Flood Control Project from damage by sabotage.

(2) What will be the probable cost of such protective measures.

(3) Are sufficient funds available at present to repair any damage or destruction to the levees of the Sacramento and San Joaquin Rivers in the event the same occurs, or will additional funds be required to be appropriated in the event of a special session of the California Legislature.

(4) What measures will be taken to patrol the levees of the Sacramento River.

Will you also provide this committee with a map of the Sacramento River Flood Control Project showing the location of highways and railroads that traverse the areas subject to floods, together with air fields, transmission lines of the utility districts, pipe lines conducting natural gas, water and other utilities that might be affected by the destruction of levees resulting in floods, and any other information pertinent to this subject that, in your opinion, should be called to the attention of this committee.

Chairman Crittenden and the members of the committee will appreciate your furnishing the above information at the earliest possible moment.

Very truly yours,

FRANK REED, Executive Secretary

December 18, 1941

*Joint Committee on Water Problems, California State Legislature
Room 413, State Capitol, Sacramento, California*

ATTENTION: Frank Reed, Executive Secretary

GENTLEMEN: Reference is made to your letter of December 10, 1941, requesting certain information and comments on the problem of furnishing flood and sabotage protection to the large agricultural area protected by the levee systems of the Sacramento and San Joaquin Valleys. Protection of these areas is, as stated in your letter, of vital importance to National defense both from an economic and Military transportation standpoint, and every effort should be made to establish a thoroughly workable and complete plan for the protection of levee systems.

With respect to sabotage, an effort should be made to secure definite information from proper authority such as the Federal Bureau of Investigation or the Military Intelligence, U. S. Army, as to whether an actual danger exists from this source and to what extent. It is apparent that until authoritative information is obtained in this regard, neither an intelligent protective program nor an estimate of cost for such a program, can be formulated.

From a practical standpoint, however, the problem of sabotage and ordinary flood patrol are so closely related that they can not be separated. Effective sabotage of the levees and related works could be prosecuted only during flood periods, at which time it has been customary in the past to maintain maintenance patrols on the levees. It is believed if any plan is developed, it should endeavor to expand the past organization rather than to set up an entirely new agency to handle sabotage protection.

The following comments are offered in response to the queries contained in your letter:

1. As stated above no direct measures or precautions are being taken at the present time other than the ordinary patrol of the levees as the matter of protection against sabotage. There are some 1,600 miles of levees within the Sacramento and San Joaquin Valleys which will require protection in varying degrees. It is readily apparent that due to the magnitude of the problem any new protection which is furnished will have to be done on a priority basis. It appears desirable that that portion of the levee system which protects urban concentrations and transportation arteries of major importance should be patrolled by an armed guard. The remainder of the levee system should be protected as required by an amplification of the existing civilian patrol organizations. At present there has been established a committee formed by Mr. Edward Hyatt, Chief of the Division of Water Resources and member of the State Reclamation Board, Mr. Jesse Cave, member of the Reclamation Board, and Mr. O. H. Hart, of the U. S. Army Engineers, which committee is attempting to coordinate patrol activities and develop plans for the betterment of flood fighting operations. The activity mentioned above could well be taken care of by this committee.

2. It is difficult to give an accurate estimate of the cost of prosecuting the activities described under 1. above. These costs will be a function of the magnitude of the floods experienced during any particular winter season and may vary within a very wide range. The cost of adequately patrolling 800 miles of vital levee locations for a period of 60 days in the Delta Area and 20 days in the Upper Sacramento Regions would perhaps be the prime factors to be considered in arriving at a final estimate.

3. At this time sufficient funds are not available to either the State of California or the Federal Government to effect immediate repair of any damage or destruction to the levees of the Sacramento or San Joaquin Rivers, which might occur from either sabotage or extreme floods. A revolving fund established for the purpose of repairs would be very desirable and could well be administered by a designated agency.

The amount of money which should be made necessary for such emergency repairs can not be accurately estimated at this time due to the wide scope of indeterminate factors which would affect such expenditures. An estimate is indicated, however, in the amounts of moneys expended by the State and Federal Governments during the years of 1938-1939-1940 for flood damage repair and repair to project levees in the Sacramento Valley:

	State	Federal Government
1938	\$682,600 00	\$330,400 00
1939		58,100 00
1940		182,000 00
1941	266,600 00	70,300 00
Totals	\$949,200 00	\$640,800 00

In addition, the State expended for such emergency repairs in the San Joaquin Valley, \$650,000 during the years 1938-1939, and \$7,700 in 1940. It is well to point out that the Winter of 1937-1938 and the Spring of 1940 were extreme flood periods throughout the Sacramento River Project area and repair expenditures made following those periods would more nearly approximate an estimate of funds necessary for such an emergency.

4. Levee patrol activities are imperative. However, it is evident that in so far as practical to insure the safety of the public as a whole, the cost of this work should be made a responsibility of local districts and communities. The State of California or other governmental agencies should, if possible, act in a consulting status and direct and coordinate activities rather than actually engage in patrol and protective activities. At present whatever patrol there is, is in almost all cases being handled by local reclamation districts. In the main, this protection is satisfactory, although some districts are financially hampered in their efforts. The committee mentioned under 1. above will, it is believed, endeavor to improve the existing patrol and will recommend the adoption of such measures as are required to provide satisfactory maintenance and patrol of levees during flood period.

In summary, it should be understood that sabotage protection, if found necessary, and ordinary flood protection can not be separated and should be worked in conjunction with each other. In order that the financial resources of the State may be conserved, concentrated effort should be made to get all existing local organizations to patrol those levees and protection works in which they are particularly interested. It is believed that if the State Legislative Committee will attack the general problem along the lines outlined above, both an organization and very necessary appropriations may be set up on a workable basis during the approaching emergency session of the State Legislature.

For your information there is appended herewith a memorandum briefly setting forth National defense aspects of the areas subject to floods in the Sacramento and San Joaquin Valleys, together with a map showing the area subject to flood with location of all transportation and general utilities that might be adversely affected.

We would appreciate the return of this map after its purpose has been served with the committee.

Very truly yours,

A. M. BARTON, Chief Engineer and General Manager
The Reclamation Board

National Defense Aspects of the Areas Subject to Floods in the Sacramento and San Joaquin Valleys

General—Area—Population—

The Sacramento River Flood Control Project is a comprehensive improvement to protect the Sacramento Valley, California, from floods of the Sacramento River and its tributaries. The primary concern of this project as originally conceived is the protection of agricultural and urban areas and the reclamation of productive overflow lands. The completed project will afford protection to about 1,100,000 acres

of highly productive agricultural land. Located within this area are several urban concentrations, the industrial activities of which are primarily founded on serving the surrounding agricultural area. It is estimated that the area protected by this project is inhabited by about 265,000 people, 140,000 of whom reside in the above urban concentrations. (As of February, 1941)

The floor of the Sacramento and San Joaquin Valleys is traversed by through highways of prime Military importance, running east, west, north and south. These are interconnected by high types of improved secondary highways and county roads. Failure of project works would impede or entirely halt traffic at numerous points on these transportation lanes and would result in a definite breakdown of highway transportation facilities.

Railroads—

Three transcontinental railroads, the Southern Pacific, Santa Fe, and the Western Pacific traverse the floor of these valleys, and in addition, the Southern Pacific runs a main line on each side of the Sacramento Valley leading to the Pacific Northwest.

The Southern Pacific has approximately 50 miles of main line right-of-way on the west side and approximately 30 miles on the east side of the Sacramento Valley, subject to inundation in the event of levee failure. The Western Pacific Railroad Company has some 19 miles and the Sacramento Northern Railway, a subsidiary, approximately 91 miles in the same category. All of these railroads maintain division points and extensive yards and shops at the City of Sacramento, which is located at the junction of the American and Sacramento Rivers, and these facilities as well as the maintenance of traffic on the above mentioned stretches of main line track, are dependent upon the proper control of floods in the Sacramento Valley.

Defense Areas—

McClellan Field, Mather Field, the Sacramento Municipal Airport in the vicinity of Sacramento, and Marysville Airport are all served by main trunk highways, telephone lines and other general utilities that must be protected from inundation from flood waters of the Sacramento, American and Feather Rivers held back by project levees. The Stockton Airport is served by the main trunk highways crossing the San Joaquin River Delta and levee-protected lowlands, leading from Oakland to Stockton.

Utilities—Power—

Main transmission lines of the Pacific Gas and Electric Company from hydro-electric power plants of the central Sierras cross the levee-protected areas of both the San Joaquin and Sacramento River levee systems, and inundation of these lands might seriously cripple the continuous supply of power necessary to the San Francisco and Oakland industrial area.

Gas—

Natural gas main pipe lines of the Pacific Gas and Electric Company leading to Sacramento and to Marysville traverse levee-protected areas and a sustained submergence of these areas might cause destruction to these facilities or render them useless. Lack of gas fuel would seriously affect both industry and the urban population of the valley towns and cities now served by natural gas.

Water—

The main water conduit of the East Bay Municipal Utility District (Oakland) traverses miles of levee-protected lands in the San Joaquin Delta and a continued submergence might result in serious damage to this vital pipe line at a time when repair would be impossible. The main pipe lines and electric transmission line of the Hetch Hetchy Project of the City of San Francisco traverse a small section of the levee protected San Joaquin Delta Area south of Stockton.

Communication—

Main trunk lines of the Pacific Telephone and Telegraph Company traverse levees and levee-protected areas of both the Sacramento and San Joaquin Rivers.

Interruption of communication would be highly probable if the protected suburban areas were inundated, and would be absolutely disrupted if urban areas were flooded to the extent of rendering switchboards and central facilities useless.

Investment in Project Works—State and Local Interests, Federal Government—

To date the State and local interests have expended in excess of \$52,000,000 in the protective works of the Sacramento River Flood Control Project which must be protected by the safeguarding of those works, and the Federal Government has spent approximately \$19,000,000 on new works and maintenance therein.

Investment in Highways—

Investments by the State and Federal Governments in highway construction and maintenance within eight counties of the Sacramento River Flood Control Project as of November, 1941, amount to approximately \$42,000,000.

Reclamation Districts—

In addition to the investment of the State and Federal Governments, there is the vast expenditure of 140 separate reclamation districts embraced in the vital valley areas, for the protection of high type farm and agricultural lands. The production of food supplies by these lands must not be curtailed during the emergency. During the war of 1914-1918, prosecution of work on the project was sponsored by the Food Administration as an aid to agricultural production and as a stimulus to the economic preparedness of the Nation.

*MAINTENANCE OF THE PROJECT AT PRESENT**Districts—State—Federal Government*

The present law provides that local interests maintain project works within their districts after completion. This means that local reclamation districts are responsible for maintenance over the greater portion of the area. For areas where no reclamation districts exist, the State of California has assumed such responsibility for specified portions of the project lying outside the boundaries of local reclamation districts. This work is performed by the Department of Public Works through the Division of Water Resources. It is believed that the California Debris Commission has, or will have, money available for the maintenance of those portions of the project now under construction.

Danger from Sabotage—

Adequate protection of the primary levee works of the Sacramento and San Joaquin River Systems from possible sabotage presents a major problem. An advantage, however, is that the duration of flood danger period is short. Only at extreme high water stages would it be practical to destroy the main levees which would cause irreparable damage to life, property, utilities and transportation routes by minor sabotage operations.

However, at high water stage in both the upper and lower reaches of these rivers, a small breach in any unprotected section of levee could cause enormous damage to farm lands and interior improvements and paralyze communication systems and utilities vital to National defense. Such a breach under these conditions would be possible from a small sabotage operation and could not be effectively checked by any maintenance crew once it had started.

In the Delta Region of the Sacramento and San Joaquin Rivers there is considerable peat land and many levees in this area have been constructed from this material. Peat is vulnerable to fire and extremely difficult to extinguish and it is recognized that during dry periods much damage could be caused by incendiary fires in the peat levees protecting Delta Island areas.

Danger Periods—

The danger periods or periods of extreme high water are relatively short above Sacramento, being usually a matter of two to six days. But in the Delta Region, due to the relatively lower elevations and tidal conditions, the danger periods extend over 90 days in the entire Delta and extend over the whole year in tidal reclamation areas.

Length of Levees—

Approximately 800 miles of levees protect the Delta Area, of which some 350 miles protect areas traversed by all types of general utilities. In addition, there are some 122 miles of by-pass levees and approximately 660 miles of main river levees which would require patrol for their protection against acts of sabotage. The total length of the above levees requiring such guard during the short periods of extreme water stages approximates some 1,300 miles.

Protection by Patrol—

A solution to the problem of patrol could probably best be found in an intense and well organized patrol during extreme high water periods. Assuming adequate patrol personnel could be made available, a coordinated and systematic patrol during these periods appears to be the most practical manner in which to form a complete safeguard. To effectively guard 1,300 miles of levee would require at least 7,800 men, or six men per mile per day. Areas in the vicinity of municipalities could be patrolled by local authorities. An estimated 800 miles of levee in vital locations would require armed patrol, and in the event of extreme emergency which might endanger National defense, Military forces might be made available.

The cost of a paid patrol would vary greatly with flood conditions, both as to duration and to magnitude of flood flows present in flood channels to be guarded.

Any extension of patrol or existence of long sustained flood periods would add to the cost of a patrol, whereas a limited patrol of only very vital areas for the times of extreme flood and imminent sabotage danger would decrease patrolling costs.

However, it is to be noted that the value of utilities, highways, crops, and lives to be protected must be given not only a cash value but, in the present emergency, must be evaluated from a Military point of view as to their value in defense efforts of this State and Nation.

A rough estimate of the cost per day per post of from one-eighth to one-half mile is as follows:

1. Local organization using local labor and transportation facilities:

	<i>Cost per day</i>
Labor, at \$4 per day (3-8 hr. shifts)-----	\$12 00
Autos, at \$5 per day (24 hrs.)-----	5 00
Overhead—25% of labor cost-----	3 00

Cost per day—Total (1)-----\$20 00

2. State labor forces:

Labor, at 60¢ per hr. (24 hrs.)-----	\$14 40
Autos, at \$5 per day-----	5 00
Overhead—10% of labor cost-----	1 50

Cost per day—Total (2)-----\$20 90

It is problematical if sufficient local or State labor forces could be assembled or properly directed and coordinated without an extensive enlargement of the overhead costs above estimated.

Civilian Patrol in Urban Areas—

Civilian patrol of protective works in urban areas is both feasible and possible. These areas could include Sacramento, Stockton, Marysville and levees opposite Yuba City and opposite Colusa. In all other farm or suburban areas sufficient men and equipment might be inadequate for an intensive patrol.

River Boat Patrol—

There are numerous small privately owned river craft of the cruiser type located in the Stockton and Sacramento areas which could no doubt be made available and advantageously utilized for river patrol in the Delta Region and in the lower areas of the Sacramento and San Joaquin Rivers, augmenting land patrols of levees in those regions, and assist in distributing these patrols at their respective posts, in areas that can not be reached by other means of transportation.

Flood Losses 1937 to 1940—

Prior to 1937 no accurate estimate of losses due to floods can be given, but a conservative estimate of \$15,000,000 may be assumed for those floods prior to 1937.

Within the existing Flood Control Project the flood of December, 1937, inundated 180,000 acres of land with a direct damage of \$2,270,000; \$1,476,000 of this total was due to failure or lack of completion of the existing project works. The damage to project levees was \$350,000, and to the lands of Butte Basin Area which is not reclaimed, approximated \$440,000.

Had the existing levees been completed to the standards adopted by the California Debris Commission and the State Reclamation Board, it is highly probable that damage would have been confined to Butte Basin. The Spring flood of 1938 which was caused from melting of the maximum snowfall of record, accompanied by rains, caused long sustained flows at more than bankful stages and resulted in seepage which caused an estimated damage of four and one-half million dollars on an area of about 114,000 acres of agricultural land within the project. The flood of 1940 is estimated to have resulted in damage exceeding \$4,200,000.

Direct damage is estimated within the area protected by the existing Sacramento River Flood Control Project due to floods from December, 1937, to be about \$11,000,000. Indirect damages have not been estimated, but they would probably amount to a large percentage of the direct losses. Many intangible damages, such as inability to obtain farm loans and the loss of eight lives can be attributed directly to these floods.

Summary—

The protection of the flood control works of the Sacramento River Project and adjacent areas from possible sabotage and the prevention of levee breaks due to flood conditions is vital to the National defense from a standpoint of safeguarding transportation facilities, protection of all types of public utilities operating within or traversing the affected areas, also preserving and insuring agricultural developments vital to National defense located within the valley floor which are subject to inundation from flood waters.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 2.12 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bill No. 8, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 8

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

Resolved, That Assembly Bill No. 8 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Seawell, Shelly, Slater, Swan, and Swing—28.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 8

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—31.

NOES—None.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 22, of the printed bill, as amended, strike out "required to register", and insert "registered".

Motion to Table

Senator McCormack moved that the above amendment be laid on the table.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Fletcher, Garrison, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Slater, and Swing—23.

NOES—Senators Cunningham, Deuel, Judah, Kenny, Shelley, and Swan—6.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Swing—29.

NOES—Senator Kenny—1.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, December 22, 1941

Members of the Senate and Assembly

GREETINGS: Please permit me to emphasize the importance of your remaining in session now and without any recess until you shall have adequately provided, and as speedily as possible, for the maintenance of the State Guard and moneys to the State Emergency Fund, for the consideration of which this session, in our present, unprecedented state of emergency, was called. As stated in my message to you at the opening of this session, I did not dare delay calling it for your action on the items providing for the maintenance of the State Guard and for the Emergency Fund in view of the perilous situation of this State, requiring immediate protection of its resources, plants and places vital to the safety and welfare of the civilian population, as well as to the strategic needs of Federal forces. Failure to take prompt action in providing ample funds for these emergency purposes might result in tremendous loss and disaster, against the possibility of which immediate measures should be taken, requiring equipment purchases and other preparations, which take time to accomplish. It would delay and hamper putting into effect the plans of the State Council of Defense and of other State agencies in preparation to guard against perils which now threaten life and property in California, and in providing to meet serious exigencies that may occur any day or night, if you make only an inadequate appropriation at this time and then recess your session to a future date. Since the enemy has already brought the war to the California coast, I desire to make it clear that any serious consequences of delayed action on your part will be your responsibility, not mine.

I again call your attention to the communication to me from General DeWitt of the Western Defense Command of the United States Army, which I transmitted to you on Saturday, December 20, 1941.

Respectfully submitted,

CULBERT L. OLSON

Governor of California

THIRD READING OF SENATE BILLS

Senate Bill No. 12—An act relating to the furnishing of defense equipment to cities, counties, cities and counties, districts or other public agencies through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Swing—30.

NOES—None.

FURTHER CONSIDERATION OF SENATE BILL NO. 12 POSTPONED

Senator Shelley postponed further consideration of Senate Bill No. 12 in order that Assembly amendments to Senate Bill No. 1 might be considered.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

The question being: Shall the Senate adopt Assembly Amendment No. 2 as follows (including the urgency clause) to Senate Bill No. 1, pursuant to the provisions of Joint Rule No. 27?

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 16 to 19, inclusive; and on page 2, strike out lines 13 to 16, inclusive, and insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The United States is at war and it is necessary to have this money immediately available for all expenditures arising out of the National defense effort and other usual Emergency Fund expenses."

Amendment read.

Previous Question

Senator Deuel moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 2 to Senate Bill No. 1.

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—36.

NOES—None.

Further Consideration of Assembly Amendments

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

The question being: Shall the Senate adopt the following Assembly amendment to Senate Bill No. 1?

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "Years.", insert "Of the sum appropriated by this act, not less than five hundred thousand dollars (\$500,000), if and when expended, shall be expended only for the support, maintenance, operation, and equipment of the State Guard, the legislative intent being that provision should be made for the State Guard from this appropriation."

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, DeLap, Deuel, Dillinger, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Swing, and Ward—22.

NOES—Senators Carter, Crittenden, Cunningham, Fletcher, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Quinn, Shelley, Slater, and Swan—14.

FURTHER CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

The question being: Shall the Senate adopt the following Assembly amendment to Senate Bill No. 1?

Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "five million dollars (\$5,000,000)," and insert "one million dollars (\$1,000,000)".

Amendment read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Deuel moved a call of the Senate.

Motion carried. Time, 4.40 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.42 p.m., on motion of Senator Deuel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Amendment No. 1 to Senate Bill No. 1 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, and Ward—25.

NOES—Senators Carter, Crittenden, Garrison, Jespersen, Keating, McBride, Shelley, Slater, Swan, and Swing—10.

FURTHER CONSIDERATION OF ASSEMBLY AMENDMENTS

The question being: Shall the Senate concur in the Assembly amendments to Senate Bill No. 1?

The roll was called, and the Senate concurred in the Assembly amendments to Senate Bill No. 1 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, DeLap, Deuel, Dillinger, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—27.

NOES—Senators Carter, Crittenden, Cunningham, Fletcher, Jespersen, McBride, Metzger, and Swan—8.

Above bill ordered enrolled.

Explanation of Vote by Senator Fletcher

In explanation of my vote this day on Senate Bill No. 1, will say my reason for voting "No" is that we have the greatest emergency in the history of this Country confronting us. This appropriation of a million is ridiculously low. I feel we

should not adjourn this Legislature until our work is completed. Three weeks' delay may be too late. Anything may happen. An ounce of prevention is worth a pound of cure.

ED FLETCHER

REPORTS OF STANDING COMMITTEES

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 4

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 26

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 15

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bills Nos. 4 and 26 and Senate Bill No. 15 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 26

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 2 of the printed bill, between lines 14 and 15, insert

"In case any employer fails or refuses to comply with the provisions of this section the superior court of the county in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the district attorney of the county in which such employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions. No fees or court costs shall be taxed against the person so applying for such benefits."

Amendment read and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF ASSEMBLY BILL NO. 4

Assembly Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Bill read second time.

Assembly Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Minter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILL NO. 15

Senate Bill No. 15—An act to add Section 555.15 to the Military and Veterans Code, relating to the organization of home defense units within the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 15—An act to add Section 555.15 to the Military and Veterans Code, relating to the organization of home defense units within the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.

NOES—Senators DeLap, and Deuel—2.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 8—Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 8, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 8

Assembly Joint Resolution No. 8—Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating,

Kenny, Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.
NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 3

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 3?

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 2

On page 1, line 4, of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 3

On page 1, line 18, of the printed bill, as amended, strike out "district or other public agency", and insert "or district".

Amendment No. 4

On page 2, line 1, of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 1

On page 1, line 11, of the printed bill, after "city and county," insert "or".

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "or other".

Amendment No. 3

On page 1, line 12, of the printed bill, strike out "public agency".

Amendments read.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 3 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jaspersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Ward—31.

NOES—Senators Keating, Metzger, Swan, and Tickle—4.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other

privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Bill No. 12, at this time, for further consideration.

FURTHER CONSIDERATION OF SENATE BILL NO. 12

Senate Bill No. 12—An act relating to the furnishing of defense equipment to cities, counties, cities and counties, districts or other public agencies through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Bill read.

Motion to Re-refer Senate Bill No. 12

Senator Myhand moved that Senate Bill No. 12 be re-referred to Committee on Finance.

Roll Call Demanded

Senators Garrison, Biggar and Crittenden demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Myhand, Rich, and Tickle—3.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, and Swan—32.

NOES—Senators Collier, Rich, Tickle, and Ward—4.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Fletcher, ordered printed in the Journal:

WASHINGTON, D. C., December 22, 1941

Hon. Ed. Fletcher, State Capitol, Sacramento, California

The President has referred to me your telegram of December 18th concerning the proposed State appropriation for the State Guard. The Federal Government has given a great deal of thought to civilian defense and is providing protection to the utmost of its ability.

While there are no Federal funds which can be made available for State Home Guards, the Senate Friday passed a Bill S-1936 to provide protection of persons and property from bombing attacks and a similar bill is now on the House Calendar. These bills were introduced at the President's request some time ago. The Senate bill authorized to be appropriated such sums as may be necessary to enable the Director of Civilian Defense to provide facilities, supplies, and services for the adequate protection of persons and property from bombing attacks in such localities as may be determined by the director to be in need of and unable to provide such protection. When this authorizing bill has been approved by the Congress, the President expects to request an appropriation which will provide the necessary moneys to carry out the provisions of the authorizing act. It is contemplated that such facilities as fire fighting apparatus, gas masks, and protective clothing for the civilian population will be provided for in the appropriation for distribution to political subdivisions unable to provide such protection. While the Federal Government has been active in the field of civilian defense, this assumes that the States and localities will carry out their supplementary responsibilities.

(Signed)

HAROLD D. SMITH, Director
Bureau of the Budget

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 3 and 4, of the printed bill, strike out "1 o'clock p.m. on the twenty-first", and insert "6 o'clock on the twenty-second".

Amendment read.

Substitute Amendment

Senator Fletcher offered the following substitute amendment:

Amendment No. 1

On page 1 of the printed measure, strike out lines 3 to 5, inclusive, and insert "Session of the Legislature recess at 6 o'clock p.m. on the twenty-second day of December, 1941, to reconvene at 11 o'clock a.m. on the fifth day of January, 1942."

Amendment read.

Motion to Table

Senator Rich moved that the substitute amendment offered by Senator Fletcher be laid on the table.

Motion lost.

Previous Question

Senator Fletcher moved the previous question.

The question being on the adoption of the substitute amendment offered by Senator Fletcher to Assembly Concurrent Resolution No. 15.

The roll was called, and the substitute amendment adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Fletcher, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Quinn, Seawell, Shelley, Slater, and Swan—19.

NOES—Senators Breed, Brown, DeLap, Deuel, Dillinger, Gordon, Jespersen, Kuchel, McCormack, Mixter, Myhand, Parkman, Powers, Rich, Swing, Tickle, and Ward—17.

Further Amendment to Assembly Concurrent Resolution No. 15

Senator Phillips offered the following amendment to Assembly Concurrent Resolution No. 15:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "fifth", and insert "seventh".

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Breed, DeLap, Deuel, Gordon, Kuchel, McCormack, Myhand, Parkman, Phillips, Powers, Rich, Tickle, and Ward—13.

NOES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixter, Quinn, Seawell, Shelley, Slater, Swan, and Swing—24.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Swing, Tickle, and Ward—22.

NOES—Senators Carter, Collier, Cunningham, Dillinger, Fletcher, Garrison, Jespersen, Luckey, McBride, Metzger, Quinn, Seawell, Shelley, Slater, and Swan—15.

Resolution ordered transmitted to the Assembly.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 5.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By F. H. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 19, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 19

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 15, of the printed bill, after "Senate", insert "to the".

Amendment read and adopted.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swing, and Ward—31.

NOES—Senators Garrison, Shelley, and Swan—3.

Resolution ordered printed, and transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 15

And reports the same correctly engrossed.

RICH, Chairman

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.30 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

APPROVAL OF JOURNALS

The Senate Journals of Friday, December 19, 1941, Saturday, December 20, 1941, and Sunday, December 21, 1941, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 17

WHEREAS, The Legislature of the State of California assembled in extraordinary session will be at recess beginning December 23, 1941; therefore, be it

Resolved, That all employees of the Senate be stricken from the pay roll at the completion of work on Monday, December 22, 1941, except as hereinafter provided.

WHEREAS, Pursuant to adjournment it will be necessary for the Secretary of the Senate during such period of recess to conduct the business of the Senate and perform the duties provided by law, the Standing Rules of the Senate and resolutions

adopted by the Senate and to employ certain necessary assistants incident thereto; therefore, be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem provided by law, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

By Senator Shelley:

Senate Resolution No. 18

Relative to the passing of Bernard W. Horne

WHEREAS, Mr. Bernard W. Horne, affectionately known to the members of this Senate as "Benny" Horne, passed away between the end of the regular 1941 Session and the beginning of this special session of the Legislature; and

WHEREAS, Bernard W. Horne was a veteran of the First World War, during which he served with distinction, and for many years served as political editor of the San Francisco Daily News, was recently connected with the San Francisco Examiner, and is affectionately remembered by many persons now serving in the Senate; and

WHEREAS, The termination of the life and activities of Bernard W. Horne constitute an irreparable loss, not only to his family, his friends, and to the members of the Senate, but also to the people of the State of California to whom he was so well known; now, therefore, be it

Resolved by the Senate of the State of California, That we do hereby express our grief and deep sense of loss upon the death of our former friend, "Benny" Horne, and extend to his bereaved family our very sincere sympathy and condolences; and be it further

Resolved, That when the Senate adjourns this day, it do so out of respect to the memory of the late Bernard W. Horne; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the widow of our departed friend, Mrs. Bernard W. Horne, and to his children.

Resolution read, and unanimously adopted by a rising vote.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried. Time, 5.34 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.35 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

RECESS

At 5.36 p.m., on motion of Senator Rich, the Senate recessed until 6 p.m.

REASSEMBLED

At 6 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

RECESS

At 6.01 p.m., on motion of Senator Kenny, the Senate recessed until 6.06 p.m. to hear from Adjutant General J. O. Donovan, Col. Rupert Hughes, Col. Lewis Stone, Col. Jack Hastie, Major Frank Nolan and Major Karl W. Marks.

REASSEMBLED

At 6.06 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 6.07 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature;

And appointed Messrs. Lyon, Desmond and Field as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Committee on Rules announced the appointment of Senators Mayo, Ward and Crittenden as a Committee on Conference concerning Assembly Concurrent Resolution No. 15.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General;

Senate Concurrent Resolution No. 8—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense;

Senate Joint Resolution No. 6—Relative to flood control on the Sacramento River;

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately;

Senate Bill No. 3—An act authorizing any city, county, city and county, or district to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately;

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of December, 1941, at 6 p.m.

RICH, Chairman

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature;
Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be not concurred in and that the resolution be further amended as follows:

Amendment No. 1

On page 1 of the printed measure, strike out lines 3 to 5, inclusive, and insert "Session of the Legislature recess at 11 o'clock p.m. on the twenty-second day of December, 1941, to reconvene at 11 o'clock a.m. on the twelfth day of January, 1942; and be it further

Resolved, That in the event it appears to the Speaker of the Assembly and to the President pro tempore of the Senate to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said twelfth day of January, 1942, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the Speaker of the Assembly and the President pro tempore of the Senate. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such Member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each Member of the Assembly at the home address for such Member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the Members as herein provided shall be conclusive evidence of the facts therein stated."

MAYO
WARD
CRITTENDEN

Senate Committee on Conference

LYON
DESMOND
FIELD

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Tickle, and Ward—21.

NOES—Senators Carter, Collier, Cunningham, Garrison, Keating, Luckey, McBride, Metzger, Quinn, Seawell, Shelley, Slater, and Swan—13.

APPOINTMENT OF COMMITTEE

President Pro Tempore Wm. P. Rich announced the appointment by the Rules Committee of the following additional members to serve on the Joint Legislative Budget Committee: Senators Kenny, Parkman, Phillips, Myhand, Ward and Mayo.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 10 p.m., on motion of Senator Deuel, further proceedings under the call of the Senate were dispensed with.

PRESIDENT PRO TEMPORE PRESIDING

At 10.01 p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

RESOLUTIONS

The following resolutions were offered:

By Senator McBride:

Senate Resolution No. 19

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn for the recess provided by Assembly Concurrent Resolution No. 15 and to ask the Assembly if it has any communication to submit.

APPOINTMENT OF SPECIAL COMMITTEE

The President pro tempore announced, in accordance with the above resolution, the appointment of Senators McBride, Collier and Metzger.

By Senator Gordon:

Senate Resolution No. 20

Resolved, That the President of the Senate appoint a committee of three to notify the Governor that the Senate is ready to adjourn for the recess provided by Assembly Concurrent Resolution No. 15, and to ask His Excellency if he has any communication to submit to the Senate.

Appointment of Special Committee

The President pro tempore announced, in accordance with the above resolution, the appointment of Senators Gordon, McBride and Collier.

MESSAGES FROM THE ASSEMBLY**ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 26.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

PRESIDENT OF THE SENATE PRESIDING

At 10.25 p.m., Lieutenant Governor Ellis E. Patterson, President of the Senate, presiding.

REPORT OF COMMITTEES

Senator Gordon, as chairman of the committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn for the recess, as provided in Assembly Concurrent Resolution No. 15, reported that they had performed their duty.

Senator McBride, as chairman of the committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the recess, as provided in Assembly Concurrent Resolution No. 15, reported that they had performed their duty.

MESSAGE FROM THE ASSEMBLY

At 10.50 p.m., a committee from the Assembly consisting of Messrs. Maloney, Lyon and Stream appeared at the bar of the Senate and announced that the Assembly was ready to adjourn for the recess, as provided in Assembly Concurrent Resolution No. 15.

APPROVAL OF MINUTES

The minutes of this day, Monday, December 22, 1941, were read, and on motion of Senator Swan, approved as read.

ADJOURNMENT

Whereupon at 11 p.m., on motion of Senator Rich, in accordance with the provisions of Assembly Concurrent Resolution No. 15, the President of the Senate declared the Fifty-fourth (Extraordinary) Session of the Senate adjourned until Monday, January 12, 1942, at 11 a.m., out of respect to the memory of the late Bernard W. Horne.

ROBERT G. ALDERMAN, Minute Clerk



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, January 12, 1942

Pursuant to Assembly Concurrent Resolution No. 15, providing for the reconvening of the Legislature after the recess, the Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the balance of the session:

Senator Hays, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Patrick J. Maher, Mayor of Santa Barbara.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Turner, Louie Fragil, Lloyd Rowe and Tony Ferrara, all of Merced.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter G. Drysdale and Carl Visman, of Placerville.

RESOLUTIONS

The following resolutions were offered:

By Senator Shelley:

Senate Resolution No. 21

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Governor that the Senate has reconvened the Fifty-fourth (First Extraordinary) Session, pursuant to Assembly Concurrent Resolution No. 15, and is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Shelley, adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Shelley, Seawell and Phillips.

By Senator Biggar:

Senate Resolution No. 22

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Assembly that the Senate has reconvened the Fifty-fourth (First Extraordinary) Session, pursuant to Assembly Concurrent Resolution No. 15, and is ready to proceed with the business of the State.

Resolution read, and on motion of Senator Biggar, adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Biggar, Cunningham and Ward.

By Senator Tickle:

Senate Resolution No. 23

Resolved, That the following statutory officers of the Senate elected on Friday, December 19, 1941, Joseph A. Beek, Secretary of the Senate; Robert G. Alderman, Minute Clerk; Joseph F. Nolan, Sergeant-at-Arms; and Rev. H. W. Opperman, Chaplain; be and the same are hereby restored to the pay roll of the Senate as of this day at the various rates of compensation provided by law, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said amounts, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Rich, Slater, Swan, Swing, and Tickle—27.

NOES—None.

REPORTS OF SPECIAL COMMITTEES

The following reports of Special Committees were received:

Senators Shelley, Seawell and Phillips, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Also:

Senators Biggar, Cunningham and Ward, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported they had performed their duty.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 10: By Senators Swan and Kenny—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Geyer.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 10, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 10

Senate Concurrent Resolution No. 10—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Geyer.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 11: By Senators Swan, Breed and Quinn—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 11, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 11

Senate Concurrent Resolution No. 11—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 12: By Senators Myhand and Gordon—Relative to closing and delaying the opening of public schools.

Without reference to committee.

MESSAGE FROM THE ASSEMBLY

At 11:30 a.m., a Special Committee from the Assembly, consisting of Messrs. Clarke, Thorp and Pelletier, appeared at the bar of the Senate, and announced that the Assembly was duly organized and ready to proceed with the business of State.

RESOLUTIONS

The following resolution was offered:

By Senator Swing:

Senate Resolution No. 24

Relative to Colonel Isaac Williams, perpetuating his communication to the Senate dated February 15, 1850, and commending him for his benevolence and humanity toward the early pioneers.

Motion to Set Special Order

Senator Swing moved that Senate Resolution No. 24 be made a special order of business for Monday, January 12, 1942, at 3 p.m.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 12, 1942

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am withdrawing the names of H. T. Gustafson and William Farrell, heretofore nominated by me to be members of the California State Council of Defense, who have since resigned in order to take up other duties for the Defense Council; and in their stead ask the Senate to advise and consent to the following appointments for the term at the pleasure of the Governor:

L. G. Taggart, Bakersfield, State Commander of the Veterans of Foreign Wars.

Robert F. Garner, Jr., San Bernardino, State Commander of the American Legion.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

REPORT

The following report was received and read, and on motion of Senator Kenny, ordered printed in the Journal:

January 12, 1942

*To the Honorable W. P. Rich, Chairman, and the Members of the
Joint Legislative Budget Committee*

Your Subcommittee of Two, consisting of the undersigned, appointed to go to Washington, D. C., for the purpose of conferring with Members of Congress, and officials of the United States Government on the matters pending before the present Special Session of the California Legislature, respectfully begs to report as follows:

Four days were spent by your subcommittee in Washington, D. C., January 5, 6, 7 and 8, 1942, during which time it conferred with the War Department, United States Senator Sheridan Downey, Representatives Lea, Buck, Welch, Leland Ford, Hunsaw, Voorhis, Rolph, Carter, Tolson, Costello, Englebright, Sheppard, Johnson, Anderson and Kramer, and called upon the office of Senator Hiram Johnson for special assistance. Two Congressional Delegation meetings were called during your committee's stay in the Capitol. The first meeting included only the California Delegation, but at the second meeting representatives of Washington and Oregon were invited and attended.

It was at once apparent that the matters before our Legislature have also been a matter of lively concern in Washington. Proposals have been made in the form of bills introduced, and they were all thoroughly discussed in our meetings.

As the outgrowth of these discussions, your subcommittee found that the consensus of opinion of our Congressional Delegation was that:

First: A National policy on auxiliary guard forces should be immediately established and conferences with the War Department be had at once on the following proposals now pending before Congress, to wit:

(a) H. R. 3305 introduced by Representative Costello of Los Angeles and Representative Anderson of Santa Clara providing for an Army-supervised Home Defense Reserve Corps of 1,000,000 men to be completely financed by the Federal Government.

(b) H. R. 6348 introduced by Representative Kramer of Los Angeles for a Home Defense Corps drawn from the ranks of regular and reserve retired Army officers and men unqualified for active combat service. This Corps would consist of men trained, disciplined, and able to use effectively United States Army weapons, equipped uniformly by the Army. These men would come under the authority of the local sector, district, or other Army commander. There would be an over-all uniformity of controls when the mobile forces as organized into combat divisions should leave a particular area to come into actual contact with the enemy. The Home Defense Corps would remain to guard the plants, bridges, or other important areas considered vital and of general Military and civilian importance.

(c) The proposal of Representative Welch of San Francisco for a State Guard in the various States, which would be subject to Federal supervision with the United States supervising the State units and paying them a 50 per cent subsidy.

All of the authors of the proposals agreed that their aim was to see that from their ideas, a single bill be evolved which would be best adapted to Pacific Coast needs and the plans of the War Department.

Second: That the protection of the vital resources, utilities, and industries of the Pacific Coast States is a matter of National concern and one in which the whole Country should help bear the burden of expense.

Third: That since it is to the interest of National defense to relieve combat-trained troops of Guard duties, the War Department should at once outline a Uniform National Plan to utilize for this duty men of Military training unable to go into active combat.

Fourth: That California and the other Pacific Coast States be given a generous and proper share of the \$100,000,000 voted to aid local defense as soon as the bill providing for it (H. R. 5727) becomes law. The bill is expected to be before the President this week. Your subcommittee informed the delegation of the \$50,000,000 total requests presented to your committee by California counties and cities, and this material will be used in urging adequate allowances to this State under the bill.

Fifth: That Pacific Coast communities be given priorities in defense and protection equipment which they desire to purchase, and that Congressional representations to that end be promptly made to the Office of Production Management.

Senator Downey also informed your subcommittee that he is planning to seek financial assistance from the Federal Government for the maintenance of State forces on the Pacific Coast.

Hon. J. J. McCloy, Assistant Secretary of War, informed your subcommittee that as far as California is concerned, an important problem of the Army is the combating of possible sabotage, and that additional State legislation in this field will undoubtedly be necessary.

Representative Lea, dean of the California Delegation, has requested our committee to furnish him with a detailed statement on the precise situation in California which he may use in discussions with the War Department in urging them to work out a National policy for State troops.

Respectfully submitted.

GORDON H. GARLAND
ROBERT W. KENNY

RECESS

At 12.02 p.m., on motion of Senator Rich, the Senate recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 12, 1942

MR. PRESIDENT: The Rules Committee hereby grants permission that all the bills hereunto attached may be introduced.

RICH, Chairman

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 16: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle, and Ward—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 17: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle, and Ward—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 18: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle, and Ward—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 19: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 20: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 21: By Senator Parkman—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Without reference to committee.

Senate Bill No. 22: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 23: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 24: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Senate Bill No. 25: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Senate Bill No. 26: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Without reference to committee.

Senate Bill No. 27: By Senators Mayo, Seawell, Rich, Breed, Phillips, Parkman, Tickle, Myhand, DeLap, Kenny, Ward, Carter, Powers, Biggar, Collier, Brown, Dillinger, Luckey, Metzger and Mixer—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Senate Bill No. 28: By Senators Quinn, Swing, McBride, Garrison, Slater, Carter, Shelley and Dillinger—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Without reference to committee.

Senate Bill No. 29: By Senators Rich, Breed, DeLap, Kenny, Mayo, Myhand, Parkman, Phillips, Seawell, Tickle and Ward—An act to

amend Sections 5551, 5552 and 5553 of the Military and Veterans Code and to add Section 5552 therein, relating to the State Guard, providing for the pay, privileges, allowance and rights for the State Guard for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, providing an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Without reference to committee.

Senate Bill No. 56: By Senators Livingston and Daniel—An act relating an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

Without reference to committee.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 12

Senate Concurrent Resolution No. 12—Relating to closing and changing the session of public schools.

Resolution read.

Therevill was called, and the resolution adopted by the following vote:

Ayes: Senators Hedges, Hume, Brown, Collier, Cummings, Cunningham, Fletcher, Gorman, Harbo, Hume, Keady, Langer, Mace, McMillin, Mitchell, Munger, Myers, Young, Johnson, Phillips, Brown, Kirk, Smith, Spragg, Tamm, and West—20.
Nays: None.

Resolution ordered transmitted to the Assembly.

MOTION TO SET SPECIAL ORDER

Senator Hume moved that Senate Bill No. 29 be made a special order of business for Tuesday, January 13, 1942, at 11 a.m.

Motion carried.

REPORT

The following report was received, and on motion of Senator Crittenden, ordered printed in the Journal:

Preliminary Report to Joint Interim Committee on Water Problems California State Legislature on Dams, Flood Control and Water Supply Works as Related to National Defense Activities

January 10, 1942

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS

SACRAMENTO, January 10, 1942

Respectfully Submitted, S. C. CROSTBURY,

Chairman, Joint Interim Committee on Water Problems

California State Legislature, State Capitol, Sacramento, California

JOINT SENATE COMMITTEE: There is transmitted herewith a Preliminary Report on such matters as dams, flood control and water supply works as related to National Defense, prepared and submitted by the Department of Public Works.

This report has been prepared for the Division of Water Resources, under the authority of the State Board of Water Resources, under the request, dated December 24, 1941.

Due to the limited time available for the preparation, the report is necessarily general in character and dealing in broad outlines. However, if the document were

provided with funds, a comprehensive study of the subject could be made and a more detailed report prepared thereon.

Respectfully submitted,

EDWARD HYATT, State Engineer

Approved: FRANK W. CLARK, Director of Public Works

By FRANZ R. SACHSE, Assistant Director

Introduction

This report has been prepared in response to the written request, dated December 24, 1941, of the Joint Interim Committee on Water Problems to the Director of Public Works. A copy of that letter is appended.

In connection with the total war that is being waged by the United States against Japan and the other Axis countries, the State of California occupies a most critical geographical position within and adjacent to a designated zone of combat. It contains within its borders many important Military establishments, strategic communication facilities, war and other industries, metropolitan and agricultural developments, and a large civilian population potentially exposed to attacks of enemy forces.

In the conduct of the war, either offensive or defensive, *water* is a most important and essential factor, both as to supply and control thereof. Military forces and establishments, war and other industries, and the civilian population must be provided at all times with an adequate and potable water supply for domestic, industrial, fire suppression, and other uses. If such supply, through subversive activities of the enemy, or other causes, should fail, prove inadequate in amount, or become undrinkable, a dire situation would result and disaster could easily follow. The operations of the Military Forces and the allied activities of war would be critically hampered by the lack of an adequate, safe and potable water supply. Also the maintenance of agricultural production necessitates adequate water supplies for irrigation, adequate drainage, and flood protection.

Furthermore, these Military operations and activities would be delayed, interrupted or disrupted by any failure of works controlling, storing or conveying waters for various useful purposes. The failure of hydraulic structures and works of water supply and flood control systems, in many instances, would not only disrupt water service to the Military establishments and war industries but also play havoc with communication lines and Military establishments necessary for the operation of the Military Forces. The prevention of sabotage or failure by any cause and the continuous and uninterrupted operation of those facilities to the fullest extent possible by protective and other measures is imperative. It is a matter of grave concern to which the State Legislature should give careful and serious consideration with the view of enacting legislation necessary to obtain that objective.

Scope and Purpose

This report has been prepared for the purpose of assisting the Joint Interim Committee on Water Problems and the State Legislature in their deliberations and actions on legislation in the interest of National defense at the special session scheduled to reconvene on January 12, 1942.

The report contains data and information concerning hydraulic structures and works in California utilized to control floods and to supply water for various purposes related to National defense activities and Military operations. It sets forth the results of preliminary studies of the effect of the failure of dams and of flood control and water supply works on Military communication facilities and establishments required for Military operations. It also deals with the services rendered by these water facilities and the necessity for continuous and uninterrupted maintenance of these services. Because of the limited time available for its preparation, the report is of necessity brief and general in character and lacking in details.

The matters are presented and discussed under six main subject headings; i.e., dams, flood control works, water supply and drainage works; protective measures required; and funds required. A summary is given with conclusions and recommendations. In the appendix are included such detailed data and information on certain features of the report as are now at hand.

Dams

The destruction of life and property which might be caused by the failure of any dam behind which is stored an appreciable quantity of water was recognized by the Legislature in Chapter 766, Statutes of 1929, which placed all except minor dams as to safety under the supervision of the State Engineer.

There were, as of July 1, 1941, 632 dams under the jurisdiction of the State, many of which are structures of considerable magnitude and which offer a serious potential hazard to public safety. The aggregate storage capacity of these dams

is approximately 7,300,000 acre-feet and the total cost about \$173,000,000. On an accompanying map the locations of these are shown.*

In addition to those under the jurisdiction of the State there are some 20 dams constructed or under construction by the Federal Government having an aggregate storage capacity of about 7,500,000 acre-feet. The total cost of these is about \$175,000,000.

Some of the Federal dams and about 340 of those under State supervision are of vital importance to Military operations, because their failure would disrupt Military establishments, strategic highways, railroads and other communication systems. Their failure also would jeopardize water supplies for Military establishments and metropolitan areas endangering large populations; the principal war industries; agricultural supplies, and hydro-electric power supplies.

In the Appendix to this report is a list of dams containing those subject to supervision by the State Engineer and those Federally owned. Included in the list are 12 small State-owned dams with a storage capacity of 2,175 acre-feet, 10 of which were constructed to be utilized as institutional water supply sources. In this list the dams are arranged by location in the respective counties of the State. Also shown in the table for each dam are the ownership, height, type of dam and the storage capacity of the reservoir when full.

Flood Control Works

The flood control works in California comprise levee systems with by-pass channels and weirs, conveyance channels and flood detention dams. The major systems are in the Sacramento and San Joaquin Valleys and in Southern California. A preliminary survey shows that there are 46 counties of the State having flood control works of some character and extent. The areas protected in varying degrees by levees and other flood control works are delineated on the accompanying map.*

Counties having areas protected by major flood control works include 10 in the Sacramento and San Joaquin Valleys and Delta Area, and three in Southern California. The Sacramento River Flood Control Project provides protection for areas in the seven counties as follows: Butte, Glenn, Sacramento, Solano, Sutter, Yolo and Yuba. Lands protected with major flood control works in the San Joaquin Valley and delta are situate in the three counties as follows: Contra Costa, San Joaquin and Kings. Other areas in the Great Central Valley with some levee protection are situate in Placer and Tehama Counties in the Sacramento Valley and in Stanislaus, Merced, Madera, Fresno, Tulare and Kern Counties in the San Joaquin Valley.

The major flood control works in Southern California are found in Los Angeles, Imperial and Orange Counties. Other areas in Southern California protected by flood control works are situate in Riverside, San Bernardino, San Diego, Santa Barbara and Ventura Counties.

Minor flood control works are located in 18 counties as follows: Alameda, Amador, Del Norte, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Monterey, Napa, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma and Trinity.

A preliminary survey indicates that there are more than 3,000 miles of flood control levees and 30 flood control dams in California. The protection and maintenance of many of these levees and dams are vital to the National defense and Military operations because of the protection they afford to highways, railroads and other communication facilities. Military establishments, airports, metropolitan areas and industrial centers and important agricultural centers and food processing plants.

The principal flood control works of Los Angeles County include more than 20 dams and approximately 300 miles of levees which have been constructed by the county and the Federal Government at a total cost of approximately \$150,000,000. Other expenditures for flood control works in Southern California, exclusive of major storage reservoirs, aggregate several millions of dollars. Areas of the Sacramento and San Joaquin Valleys and delta are protected by levees aggregating 2,000 miles in length of which 1,200 miles are included in the Sacramento River Flood Control Project. Investment in levees and other flood control works within the Sacramento River Flood Control Project by the United States, State and local interests total approximately \$100,000,000. The expenditures for flood control works in other parts of the State are not presently available.

The works of the Sacramento River Flood Control Project are designed to protect 1,000,000 acres of developed agricultural land and important towns and cities including the City of Sacramento. The population residing within the area is approximately 260,000. Flood control works in Los Angeles County alone protect a highly industrialized and densely settled area with a population of nearly 3,000,000 people.

* Map between pp. 102 and 103.

Water Supply Works

The water used by the cities, metropolitan areas and irrigated lands of the State is supplied in the main by publicly-owned systems. A much smaller part is supplied by privately-owned public utilities.

The municipal systems range in size downward from the two supplying the San Francisco Bay Region and the two supplying the Los Angeles Metropolitan Area and Southern California in which two regions dwell more than two-thirds of the population of the State and in which are located most of the principal industries supplying Military equipment and material. The irrigation systems range downward in size from that supplying the 515,000 developed acres in Imperial Valley to those supplying only a few hundred acres.

The drainage works of the reclamation districts while not technically water supply works are in some cases just as important as irrigation systems in that they serve the same general purpose of making land productive.

The water supply works of the most important areas are the most vulnerable because such works are complicated and in many cases the requisite amount of water must be secured from far distant points. Failure of such works would not only be disastrous to the population centers and industrial activities served but in some cases because of the magnitude of the conduits and the nature of the terrain traversed by them their failure is a hazard to highways and other facilities important to Military operations.

There follows a list showing the number of water supply systems owned by different classes of public organizations and also the privately-owned utilities. The total is approximately 2,500. Many out of this total serve communities of little importance from the defense standpoint or supply irrigation water for only a few hundred acres but from preliminary examination, between 40 and 50 are of large importance and the investment in these probably comprises the larger part of the total cost.

Publicly-owned Systems

Irrigation Districts	94
Mutual Water Companies.....	about 1300
County Water Districts.....	about 150
County Water Works Districts.....	about 100
Metropolitan Water Districts ¹	1
Municipal Utility Districts.....	1
Municipal Water Districts ²	1
Public Utility Districts.....	2
Water Conservation Districts.....	2
Water Storage Districts.....	2
Municipalities	282
Reclamation Districts	182
	about 2120

Privately-owned Utilities

(Mostly Service to Municipalities)

380

Grand Total

about 2500

¹ Southern California Metropolitan Water District.

² Marin Water District.

Protective Measures Needed

As previously stated the data in this report concern "hydraulic structures and works in California utilized to control floods and to supply water for various purposes related to National defense activities and Military operations." Under this heading come dams, flood control works, water supply and drainage works. The extent and importance of these hydraulic structures in California in relation to National defense have been outlined in earlier sections hereof. Their importance to the war effort is such that maintenance, repair and extension as necessary is imperative.

Protective measures needed are, first, adequate guarding and patrolling to prevent sabotage or damage from floods or other causes. Next, all necessary facilities should be available for immediate repair should damage occur. Third, in the case of important public water supplies arrangements should be made for extension of service and emergency alternate supplies as found necessary.

As to what agency should undertake, finance and be responsible for these protective measures, the primary responsibility is believed to lie with the owners of the hydraulic structures, which include the Federal and State Governments, cities, districts, public utilities, corporations and individuals. While it may become necessary or advisable for the State to undertake or to assist in this work in some cases, at present it is believed that the State should not go beyond a competent supervision

of the execution of such protective measures by the owners of the structures. The proper State agency should however undertake and be responsible for such supervision.

The hydraulic structures listed in this report are those falling within the legal authority or the general field of information of the Division of Water Resources and as to which the division may be the proper State office to accept responsibility in this connection.

With respect to dams, the Division of Water Resources has police power jurisdiction over safety of all dams other than Federal. The law governing supervision of dams apparently, however, does not contemplate war conditions. It authorizes the State Engineer to supervise construction, enlargement, alteration, repair, maintenance and operation of dams "for the protection of life and property." It is designed to safeguard against structural weaknesses which might occur through faulty design, construction or deterioration or through lack of adequate maintenance. Prevention of sabotage or other acts of war do not appear to be contemplated in this law.

While jurisdiction exists over some dams in various Federal departments, and the State Railroad Commission has regulatory powers over privately owned public utilities owning dams, the Division of Water Resources is the only governmental agency with State-wide jurisdiction, and is undoubtedly the best equipped State agency in this field.

As to levees and flood control works on a State-wide basis, many of the levee systems have been built privately or by local agencies. The division has general supervisory powers over the levees of the Sacramento River Flood Control Project and is responsible for maintenance and operation, including patrolling during high water stages, of certain fixed portions of that project. These works may be summarized as follows:

Levees	65 miles
By-pass channels (83,000 acres)	91 miles
Weirs (14,200 lineal feet)	5
Collecting canals	16.5 miles
Seepage ditches	32 miles
Pumping plants (13 units)	3
Aggregate motor capacity	1960 H.P.
Aggregate discharge capacity	1235 sec. ft.
Portions of river channels to the extent of the State's liability therefor	300 miles
Miscellaneous outfall and control structures.	

In addition, the division is given supervisory powers over the maintenance and operation of the flood control works of some 80 reclamation, levee and drainage districts, municipalities and other public agencies within this Project.

There are, however, more than 1,000 miles of important levees in California over which there is no State supervision. The Army Engineer Corps is responsible for the maintenance of some. The State Reclamation Board has general powers governing the approval of plans for the construction or alteration of levees in the Sacramento-San Joaquin Drainage District. In the absence of a comprehensive plan of reclamation these powers can not be effectively administered in areas outside of the Sacramento River Flood Control Project.

Under Section 8 of the Department of Engineering Act and by reason of being the engineering department of the State, the department (division) would appear to be authorized to perform such emergency construction or enlargement of flood control works as may be provided for out of the Emergency Fund. Practically all flood control construction work heretofore performed by the State has been assigned to the department. Following the disastrous floods of 1937-1938, which caused State-wide damage totalling over \$100,000,000, the Department of Public Works through the Division of Water Resources carried out a \$5,000,000 program of flood damage repairs through an Emergency Fund appropriation made by a special session of the Legislature. Work was done in 51 counties of the State and included repairs to dams, levees, water supplies, sewer systems, roads and bridges.

However, there is no general authority in any State agency which empowers that agency to force districts, wherever they may be, to adequately maintain or patrol their levees or other flood control works.

The Legislature is well aware of the results of this lack of adequate protection in the past. Without the additional danger from acts of sabotage or war, breaks have occurred during periods of high water causing millions of dollars in damage. In some cases the levees themselves were inadequate. In others, lack of a comparatively small amount of maintenance work has been responsible for the failure. In still others, proper patrolling would have given sufficient warning that emergency measures might have been taken which would have saved the levee.

It is evident that some general authority should be established which would provide for the safeguarding of levee systems and reclamation works considered vital.

On the subject of public water supplies the State Railroad Commission has regulatory powers over privately-owned public utilities serving water. Cities, irrigation districts and other public agencies which provide their own water supply do not come under this jurisdiction. The Department of Public Health has supervisory powers in connection with the prevention of the pollution of water supplies.

The Division of Water Resources has limited jurisdiction over irrigation districts and some other types of districts, and has available a large fund of information on the general subject.

Few, if any, of these agencies have local police forces adequate for the prevention of wilful damage to their physical works or sufficient resources with which to provide substitutional service in the event of the destruction of existing facilities. It is, therefore, evident that the Legislature should concern itself with setting up machinery for the general supervision of these vitally important water supplies.

Funds Required

It is not possible to estimate the cost of work to be performed on the repair and reconstruction of dams and hydraulic structures of flood control and water supply systems in the State in the event of their damage or destruction by flood, sabotage or other cause, until such damage or destruction has occurred. However, in connection with the Sacramento River Flood Control Project the aggregate cost of repair of flood damage and of reconstruction resulting from the floods of 1937, 1938 and 1940 amounted to many thousands of dollars on State-owned levees alone. Expenditures during that period for these purposes on the entire Sacramento River Flood Control Project by the State and Federal Governments amounted to approximately \$2,000,000. Over \$150,000 were expended in effecting the closure of one serious levee break.

For supervision alone by the proper State department, of defense activities in connection with hydraulic structures discussed in this report, funds will be required for the following purposes:

1. To collect, compile and analyze the necessary data and information on flood control and water supply systems pertinent to the National defense and classify, both as to hazard and service, the hydraulic structures of these systems.
2. To supervise the protection of dams, levees and other physical works of water supply and flood control systems and their repair and reconstruction if made necessary by the exigencies of an emergency.

If this supervision be delegated to the Division of Water Resources, it is estimated that the work to be performed in carrying out these activities will amount to \$100,000 per year.

In addition, funds should be available to repair and reconstruct the levees and other physical works of the Sacramento River Flood Control Project which are owned, operated and maintained by the State, in the event of their damage or destruction by flood, sabotage or other cause. As previously explained, the amount of money needed for this purpose can not be estimated with any accuracy whatever, however, money should be available as required in this connection.

Conclusions

As a result of a preliminary examination and study of existing dams, flood control and water supply systems and works in California as related to National defense activities and Military operations, it is concluded that:

1. Dams, 632 in number and storing, in the aggregate, 7,300,000 acre-feet of water, under the jurisdiction of the State as to safety, and 20 Federal dams, not under State jurisdiction, with storage capacities aggregating 7,500,000 acre-feet present a potential hazard to Military communication lines, Military establishments and important industrial and metropolitan areas. These dams should be adequately protected from subversive and Military actions of the enemy and from damage from floods, and should be promptly repaired in case of damage from any cause.

2. Many flood control works, comprising levees, weirs and dams and furnishing flood protection to large populated and agricultural areas with important Military communications and establishments should be guarded from enemy action and be competently patrolled and maintained during times of high water and promptly repaired in case of damage from any cause.

3. Important public water supplies which serve areas containing war industries and establishments should be carefully guarded against sabotage and actions of the enemy and promptly repaired if damaged. Arrangements should be made for extensions of service if deemed necessary, and for alternative supplies in case of an emergency.

4. The activities of State and local agencies in the matter of providing, in cooperation with Federal authorities, protection to dams and hydraulic structures of flood control and water supply systems; in the repair of damage to such structures; and in the enlargement and extensions of same should be coordinated and supervised

by the Department of Public Works or other qualified State department. The cost of such supervision for one year if executed by the Department of Public Works, is estimated at \$100,000 which should be made available immediately.

5. The State Railroad Commission is the proper agency to supervise similar activities in regard to electric power facilities and the State Department of Health activities with respect to providing ways and means of safeguarding water supplies from pollution and poisoning.

Recommendations

1. It is recommended that the proper State department be designated to collect, compile and analyze the necessary available data and information on dams and flood control and water supply systems pertinent to National defense activities and Military operations in cooperation with Federal authorities, other State departments, State agencies, private companies and individuals with the view of determining and classifying, both as to hazard and service, the hydraulic structures of these systems which are important to National defense activities.

2. It is recommended that the findings of such study be made available to the proper Military authorities, Federal and State, for the purpose of assisting those authorities in providing adequate protection for such structures.

3. It is recommended that the proper State department be authorized and directed to supervise the protection of dams and hydraulic structures of flood control and water supply systems; the repair of such structures if found necessary; and, extension and enlargement of the same if determined to be inadequate.

4. It is recommended that adequate funds be appropriated for patrolling, protecting and repairing the levees and structures of the Sacramento River Flood Control Project and other hydraulic structures and works owned by and which are the responsibility of the State for maintenance and operation.

5. It is recommended that the legislation be enacted to carry out the foregoing recommendations with the necessary appropriations therefor.

Appendix

JOINT COMMITTEE ON WATER PROBLEMS

(Created Pursuant to Senate Concurrent Resolution No. 11, Resolutions
Chapter 130, Statutes of 1941)

CALIFORNIA LEGISLATURE, December 24, 1941

Honorable Frank W. Clark, Director

Department of Public Works, Sacramento, California

DEAR DIRECTOR: I have been requested by the Chairman, Senator Bradford S. Crittenden and the other members of this committee to ask you to submit to the committee as soon as possible, a report on what measures and precautions are, or should be taken by the State, to protect dams and other water works which are essential to the welfare of the people of the State, from damage caused by sabotage or subversive activities of enemy groups.

If sufficient funds are now available to repair any damage or destruction to these structures, so state, and if not, please state, in detail, what additional funds may be required, in your opinion, to be appropriated when the Fifty-fourth (First Extraordinary) Session of the Legislature reconvenes January 12, 1942. Please furnish a list of all dams and other structures with which the Department of Public Works is concerned and any other information, which in your opinion, would be helpful to this committee.

Will you also please furnish a detailed statement of any patrols which are now being maintained on the Sacramento River Flood Control Project, or any other patrols presently maintained.

With kindest personal regards, I am

Sincerely yours,

FRANK REED

CC: Mr. Ed. Hyatt, State Engineer

DAMS UNDER STATE JURISDICTION BY COUNTIES

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Modoc County					
55	Big Sage	Hot Spring Valley I.D.	Earth	45	77,000
78	West Valley	So. Pk. Reg. Dist.	Earth & Rock	63	17,700
98	Pine Creek	Calif. Public Serv. Co.	Earth	10	168
121	James Flat	Huffman & Blasingame	Earth	18	1,400
121-2	Essex	Huffman & Blasingame	Earth	45	4,225
121-3	Antelope	Huffman & Blasingame	Earth	13	1,550
121-4	Willow Cr. Flat	Huffman & Blasingame	Earth	10	1,600
122-2	A & C	W. S. Truesdale	Earth	13	800
125	Everly	Irwin C. & Roy V. Everly	Earth	14	1,700
127	Davis Cr. Orchards	Davis Cr. Orchard Co.	Earth	16	1,200
128-2	Lauer	Frank McArthur	Earth & Rock	14	900
128-3	Bayley	Frank McArthur, et al.	Earth	15	1,200
129	Big Dobe, North	Raker & Thomas	Earth	9	9,530
129-2	Big Dobe, South	Raker & Thomas	Earth	9	3,860
129-4	Woods Flat	Raker & Thomas	Earth	7 6	400
129-5	Mod Lake	Raker & Thomas	Earth	11	300
132	Swanson	E. Swanson	Earth with Rk. Wl.	10	300
133	Kelly & Granger	Robert & McHugh	Earth with Rk.	12	284
136	Little Juniper	Porter & Page	Earth	16	900
139	Plum Canyon	Porter & Page	Earth	21	180
141	Dorris	W. J. & P. S. Dorris	Earth	19	5,900
141-2	Ingals Swamp	W. J. & P. S. Dorris	Earth	13	650
142	James Porter	J. C. & Mrs. P. E. Porter	Earth	13	200
143	Payne	J. C. Morgan	Earth	12	2,850
144	Pickering Lmbr. Co.	Pickering Lumber Co.	Earth	22	500
145-2	Coop.	Coop. Land & Livestock Co.	Earth	19	1,450
145-3	Coop.	Coop. Land & Livestock Co.	Earth	10	1,000
145-5	Fairchilds	Coop. Land & Livestock Co.	Earth	20	900
148	Cummings Res. No. 1	John O. Cummings	Earth	14	400
149-2	Duncan	F. R. Bacon, Jr.	Earth	16	2,575
150	Red Hills Slough	W. L. Clancy	Earth	18	500
151	Woods	Montague Water Con. Dist.	Earth	14	150
152-3	Meckfessel	Frank McArthur	Tmbr. Cr. & Flbds.	6 3	160
152-4	McBreen River	G. Lindeyer	Conc. Butt. & Flbds.	12	550
152-5	McBreen River	McBreen & O'Connell Est.	Crib & Flshbds.	15	1,000
153	Torson	E. E. Caldwell & R. D. Craig	Earth	51	1,118
157-2	Roberts	H. M. Roberts	Earth	15	3,970
158	Long Branch Canyon	Long Branch Canyon	Earth	12	750
159	Danhauser	G. L. Wakerly	Earth	12	400
161	Danhauser	P. C. Webber	Earth	12	700
162-2	Upper Pasture	W. L. Clancy	Earth	15	250
162	J. L. Porter	Pearl Porter Gibson	Earth	24	250
162-2	Upper Porter	Pearl Porter Gibson	Earth	13	130
164	Lookout	Lookout Dam Co.	Butt. & Flashbd.	14	430
171	Thomas Branch	Thomas & R. Branch	Earth	20	63
172	Mowich	Everett E. Caldwell	Earth	18	160
174	Clarke	C. C. Clarke	Earth	16	70
175	Mattar	D. J. Metzger	Earth	15	275
176	Ake	Lewis D. & Olin E. Ake	Earth	12	84
177	Johnson Slough	R. E. Henderson	Earth & Concrete	12	100
Siskiyou County					
60	Shasta Dam	Montague Water Con. Dist.	Hyd. fill.	96	72,000
91	Copco No. 1	Calif. Oregon Power Co.	Grav.-Curved	112 5	77,000
91-2	Copco No. 2	Calif. Oregon Power Co.	Grav.-Straight	17	53
91-3	Iron Gate	Calif. Oregon Power Co.	Const. Rad. Arch	170	59,000
184	Weed Log Pond	Long-Bell Lumber Co.	Earth	19	70
188	Clear Creek	Carl R. McConnell	Var. Rad. Arch.	32	115
Del Norte County					
Humboldt County					
26	Shasta Dam	City of Eureka	Var. Rad. Arch	110	18,000
27	Arcata	City of Arcata	Earth	45	46
100	Benbow	Northern Light & Power Co.	Slab & Buttress	20	750

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Trinity County					
212	Lower Stuarts Fk. L.	La Grange Placer Mines..	Dry Masonry.....	21	500
214	Stoddard Lake	Carr Mercantile Co.....	Tmbr. Crib & Ear	19	450
215	Gribble	Richard Gribble.....	Hyd. Fill.....	10	150
Shasta County					
51	Anderson-Cottonwood.....	Anderson-Cottonwood I. D..	Conc. Butt. Flbds.	15	100
54-2	Misslebeck	Happy Valley Water Co....	Hyd.-fill.....	110	4,300
97-87	Coleman Forebay	Pacific Gas & Elec. Co.....	Earth.....	20	50
97-94	Macumber	Pacific Gas & Elec. Co.....	Earth & Rk.-fill...	27	1,213
97-96	North Battle Creek.....	Pacific Gas & Elec. Co.....	Dry Masonry.....	46	1,016
97-98	Pit No. 3	Mt. Shasta Power Corp....	Grav.-Curved.....	120	32,200
97-99	Pit No. 1 Div.	Mt. Shasta Power Corp....	Grav.-Straight.....	12	50
97-100	Pit No. 4	Mt. Shasta Power Corp....	Grav. Slab & Butt	74	2,600
223	False Lake	O. Merlo	Earth.....	21	102
224	Heart Lake	Digger Cr. Irrig. Co.....	Earth.....	42	1,000
225	George Reese	Winona V. Simmons.....	Earth.....	25	98
1220	Reese-Montgomery	Mrs. M. I. Montgomery...	Earth.....	21 25	54
Lassen County					
156-6	Kramer.....	G. L. Kramer, Estate	Earth.....	22	65
160-3	Griz	Peter Griz et al.	Flshbdd.-Conc. Abt	8 5	110
222-2	Ward Lake	Gibson Land Company....	Earth.....	17	350
228	Round Valley	W. C. Anderson	Earth & Rock.....	40	2,000
230	Red Rock No. 1.	Dodge Bros. & Anderson...	Earth.....	20	1,675
230-3	Red Rock No. 3.	Dodge Bros. & Anderson...	Earth.....	34	2,100
231	Nelson	Chas. W. McKee, Owen Paulson	Earth.....	16	1,000
232	Silva Flat	Homer C. Jack, et al.	Earth.....	10	3,990
233	Coyote Flat	C. W. Clark Co.....	Earth.....	42	5,250
234	Caribou Lake	J. A. Bennett.....	Earth.....	12	606
236	Hog Flat	Lassen Irrigation Co.....	Earth.....	13	8,000
236-2	Lake Leavitt.....	Lassen Irrigation Co.....	Earth.....	14	14,000
236-3	McCoy Flat.....	Lassen Irrigation Co.....	Earth Rk. Wall...	18	17,200
236-4	Colony	Lassen Irrigation Co.....	Flashboard.....	15	100
237	Indian 'Ole	Red River Lumber Co.....	Timber.....	24	21,890
237-3	Westwood Mill Pond...	Red River Lumber Co.....	Earth.....	15	488
238	Buckhorn	James L. Humphrey.....	Earth.....	27	2,000
239	Shugru	James Shugru.....	Earth.....	17	92
240	Mud Springs	C. M. Wickham	Earth.....	21 5	13,000
241-2	Spooner	J. J. Fleming & Co.....	Earth.....	16	3,123
242	Antelope	Pierre Ducaase	Earth.....	13	1,500
243	Mitchell	David S. Mitchell.....	Earth.....	9	480
244	Long Canyon	John M. Hagata	Earth.....	18	300
245	Horse Lake	Geo. A. Clough	Earth.....	14	450
246	Madeline	Wilson S. Bayley.....	Earth.....	22	400
249-3	Branham	W. W. Long	Earth, Rk. Wall...	22	1,200
251	Biscar	Truman Collins	Earth.....	25	850
255	Emerson	C. E. Emerson Inc.....	Earth.....	22	200
1228	Peeonom	George & Inez Peeonom...	Earth.....	11	150
1229	Johnston	Johnston & Chappius...	Earth.....	20	70
1230	Cramer	F. W. Wood & Geo. Bantley...	Earth.....	13	3,000
1231	Fredonia	John K. Long	Earth & Rock.....	24	300
1232	Mardis Barry	Mardis Barry	Earth.....	10	90
1233	Millpond	Fruit Growers Supply Co...	Earth.....	19	200
1241	Fleming	J. C. Lane	Earth.....	14	175
173	Halls Meadows.....	E. G. Scammon	Earth.....	11.5	581
Tehama County					
261	Gerber	C. Fred Holmes	Earth.....	33	260
261-2	Dunn Ranch	Tehama Ranch Co.....	Earth.....	13	115
263	Ditch Creek Crib.....	Heiser Crusade Placers...	Tmbr., Crib & Rk.	65	120
Plumas County					
93	Butte Valley	Great West. Power Co.....	Hyd.-fill.....	74	49,768
93-3	Lake Almanor.....	Great West. Power Co.....	Hyd.-fill.....	135	1,308,000
93-6	Cresta	Pacific Gas & Elec. Co.....	Conc.-Gravity.....	62	4,300
94	Bucks Diversion.....	Feather R. Pow. Co.....	Var. Rad. Arch...	86	5,843
94-2	Bucks Storage	Feather R. Pow. Co.....	Rock-fill.....	122	103,000

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Plumas County—Continued					
94-3	Grizzly Forebay	Feather R. Pow. Co.	Var. Rad. Arch	84	1,112
94-4	Lower Three Lakes	Feather R. Pow. Co.	Rock-fill	30	513
271	Tailings	Walker Mining Co.	Earth	42	31
273	Bidwell Lake	Clara Bidwell Estate	Earth & Rock	33	4,800
274	Silver Lake	Meadow Valley Lumber Co.	Earth; rk. wall	15	650
274-2	Gold Lake	Meadow Valley Lumber Co.	Rock-fill	9	100
276	Portolane	Sierra Natural Ice Co.	Slab & Buttress	8	120
283	Eureka Lake	Charles A. Lundy	Earth	27	400
284	Grass Lake	Feather R. Improvement Co.	Earth; rk. wall	14	180
284-3	Jamison Lake	Feather R. Improvement Co.	Earth; rk. wall	19	1,000
285	Grizzly Creek	Guido Ramelli	Slab & Buttress	37	174
288	Taylor Lake	J. L. & Elizabeth Robinson	Rock & Earth	12	200
289	Long Lake	Calif. Fruit Exchange	Rock-fill	12	1,478
Sierra County					
105-6	Independence	Sierra-Pacific Power Co.	Earth	31	18,500
294	Upper Salmon Lake	Sierra Buttes C. & W. Co.	Earth; rk. wall	13	389
294-2	Lower Salmon Lake	Sierra Buttes C. & W. Co.	Rock & Earth	12	270
294-3	Upper Sardine Lake	Sierra Buttes C. & W. Co.	Dry Mason; Earth	26	1,435
294-4	Lower Sardine Lake	Sierra Buttes C. & W. Co.	Timber	8	62
294-5	Summit Lake	Sierra Buttes C. & W. Co.	Earth; rk. wall	8	106
294-6	Packer Lake	Sierra Buttes C. & W. Co.	Earth; rk. wall	11	70
294-7	Deer Lake	Sierra Buttes C. & W. Co.	Earth; rk. wall	14	70
296-2	Cleveland	Arisota Corp.	Earth	18	150
Nevada County					
61-2	Bowman Rockfill	Nevada Irrig. Dist.	Rock-fill	170	68,000
61-3	Deer Creek Diver	Nevada Irrig. Dist.	Var. Rad. Arch	86	1,400
61-5	Faucherie	Nevada Irrig. Dist.	Timber	15 5	700
61-6	French Lake	Nevada Irrig. Dist.	Rock-fill	65	12,340
61-7	Milton Diver	Nevada Irrig. Dist.	Const. Rad. Arch	27	270
61-9	Combie	Nevada Irrig. Dist.	Var. Rad. Arch	75	9,000
61-10	Sawmill Lake	Nevada Irrig. Dist.	Rock-fill	50	2,000
61-12	Island Lake	Nevada Irrig. Dist.	Rock-fill	14	330
61-16	Weaver Lake	Nevada Irrig. Dist.	Rock-fill	23	700
61-17	Jackson Lake	Nevada Irrig. Dist.	Earthfill	12	1,000
61-18	Scotts Flat	Nevada Irrig. Dist.	Earthfill	130	20,000
97-12	Blue Lake	Pacific Gas & Elec. Co.	Earth; Rk. Wall	23	1,123
97-17	Culbertson	Pacific Gas & Elec. Co.	Earth; Rk. Wall	19	850
97-19	Drum Afterbay	Pacific Gas & Elec. Co.	Const. Rad. Arch	80	275
97-21	Fuller Lake	Pacific Gas & Elec. Co.	Earth	36	1,194
97-28	Lake Fordyce	Pacific Gas & Elec. Co.	Rock-fill	140	46,662
97-29	Lake Spaulding	Pacific Gas & Elec. Co.	Var. Rad. Arch	275	74,488
97-30	Lake Sterling	Pacific Gas & Elec. Co.	Rock-fill	25	1,648
97-33	Lake Van Norden	Pacific Gas & Elec. Co.	Earth	30	5,874
97-35	Lower Feeley Lake	Pacific Gas & Elec. Co.	Earth; Rk. Wall	17	150
97-36	Lower Lindsey Lake	Pacific Gas & Elec. Co.	Earth; Rk. Wall	17	320
97-40	Meadow Lake	Pacific Gas & Elec. Co.	Earth; Rk. Wall	36	4,500
97-41	Middle Lindsey Lake	Pacific Gas & Elec. Co.	Earth; Rk. Wall	9 5	103
97-44	Rucker Lake	Pacific Gas & Elec. Co.	Earth; Rk. Wall	20	620
97-45	Upper Feeley Lake	Pacific Gas & Elec. Co.	Earth; Rk. Wall	22	964
97-48	Upper Rock Lake	Pacific Gas & Elec. Co.	Earth; Rk. Wall	16	207
97-49	White Rock Lake	Pacific Gas & Elec. Co.	Earth; Rk. Wall	19 5	578
301	Donner Lake	Donner Lake Company	Slab & Butt.	14	11,000
303	Lake Vera	W. H. Griffith	Slab & Butt.	16	136
311	Lake Angela	Central Pacific Ry. Co.	Earth	11	55
311-2	Crystal Lake	Central Pacific Ry. Co.	Grav.-Straight	11	200
312-2	Pine Grove	Lindley C. Morton	Earth	48	250
316	Tailings Retaining	Lava Cap Gold Min. Corp.	Tmbr, Crib & Earth	45	75
Placer County					
97-15	Christian Valley	Pacific Gas & Elec. Co.	Rock-fill	33	110
97-16	Clover Valley	Pacific Gas & Elec. Co.	Earth	35	29
97-20	Drum Forebay	Pacific Gas & Elec. Co.	Earth	53	444
97-23	Halsey Forebay	Pacific Gas & Elec. Co.	Earth	42	285
97-24	Kelly Lake	Pacific Gas & Elec. Co.	Earth	22	360

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Placer County—Continued					
97-25	Kidd Lake.....	Pacific Gas & Elec. Co.....	Earth; Rk. Wall...	33	1,435
97-26	Lake Alta.....	Pacific Gas & Elec. Co.....	Earth.....	18	270
97-27	Lake Arthur.....	Pacific Gas & Elec. Co.....	Earth.....	45	94
97-31	Lake Theodore.....	Pacific Gas & Elec. Co.....	Earth.....	34	344
97-32	Lake Valley.....	Pacific Gas & Elec. Co.....	Earth.....	63	8,127
97-37	Lower Peak Lake.....	Pacific Gas & Elec. Co.....	Earth; Rk. Wall...	32	494
97-39	Mammoth.....	Pacific Gas & Elec. Co.....	Earth.....	29	115
97-43	Rock Creek.....	Pacific Gas & Elec. Co.....	Multiple Arch.....	30	559
97-47	Upper Peak Lake.....	Pacific Gas & Elec. Co.....	Earth; Rk. Wall...	37	1,497
311-3	Lake Mary.....	Central Pacific Ry. Co.....	Earth.....	23	172
311-4	Putts Lake.....	Central Pacific Ry. Co.....	Earth.....	16	249
311-5	Campbells L. Lower.....	Central Pacific Ry. Co.....	Grav.-Straight.....	29	70
311-6	Campbells L. Upper.....	Central Pacific Ry. Co.....	Grav.-Masonry.....	11	97
321	Columbian.....	B & N Corporation.....	Earth.....	48	70
324-2	Baldwin.....	North Fork Ditch Co.....	Earth.....	42	305
325	Morning Star.....	McGeachin Placer G. M. Co.....	Hydr.-Fill.....	44	2,200
326	Quail Lake.....	D. H. Chambers.....	Earth-Rk. Walls.....	11	70
Yuba County					
61-11	Union.....	Nevada Irrig. Dist.....	Earth.....	55	100
97	Bullards Bar.....	Pacific Gas & Elec. Co.....	Conc. Arch.....	190	16,620
97-2	Colgate Head.....	Pacific Gas & Elec. Co.....	Grav.-Curved Mas.....	41	15
97-3	Lake Francis.....	Pacific Gas & Elec. Co.....	Hyd.-Fill.....	77	2,410
334	Los Verjels Dam.....	Yuba-Butte Orch. Co. Ltd.....	Multiple Arch.....	56	1,500
52	Camp Far West.....	Camp Far West I.D.....	Grav.-Curved.....	62	5,000
Butte County					
63	Lake Wyandotte.....	Oroville-Wyandotte I.D.....	Earth.....	50	1,300
63-2	Lost Creek.....	Oroville-Wyandotte I.D.....	Var.Rad.Arch.....	112	5,200
67	Concow.....	Therm. & Table Mt. I.D.....	Var.Rad.Arch.....	90	8,600
73	Magalia.....	Paradise Irrigation Dist.....	Hyd.-Fill.....	90	3,012
93-2	Intake.....	Great West. Power Co.....	Grav.-Curved.....	45	250
93-5	Pulga.....	Pacific Gas & Elec. Co.....	Conc.-Gravity.....	5	1,140
97-5	DeSable Forebay.....	Pacific Gas & Elec. Co.....	Earth.....	53	280
97-7	Kunkle.....	Pacific Gas & Elec. Co.....	Earth.....	48	253
97-8	Philbrook.....	Pacific Gas & Elec. Co.....	Earth.....	74	4,875
97-9	Round Valley.....	Pacific Gas & Elec. Co.....	Earth.....	30	1,285
342-2	Lake Madrone.....	Mansfield & McCallum.....	Earth.....	34	200
343	Sutter Butte Div.....	Sutter Butte Canal Co.....	Rock Crib & Conc.....	11	2,000
344	Littlefield.....	Cherokee Drift Min. Co.....	Earth.....	19	180
344-2	Grub Flat.....	Cherokee Drift Min. Co.....	Earth.....	22	216
344-3	Morgan.....	Cherokee Drift Min. Co.....	Earth.....	20	130
345	Cannon Ranch.....	Winona Hendricks.....	Earth.....	18 5	150
Sutter County					
1-15	Wadsworth.....	Sac. & San Joa. Dr. Dist.....	Conc.; Flashbld.....	18	162
Colusa County					
Glenn County					
Mendocino County					
1-3	Mendocino, Middle.....	Mendocino State Hosp.....	Conc.-Rock-fill.....	35	30
1-4	Mendocino No. 3, Upper.....	Mendocino State Hosp.....	Grav.-Straight.....	49	92
92	Morris.....	Willits Water Co.....	Const. Rad. Arch.....	52	835
97-102	Van Arsdale.....	Snow Mt. W. & P. Co.....	Grav.-Straight.....	50	700
382	Ridgewood.....	Charles S. Howard Co.....	Semi-Hydr. Fill.....	41	334
383	Rice Creek.....	Mendocino Lumber Co.....	Timber.....	38	78
383-2	Hells Gate.....	Mendocino Lumber Co.....	Timber.....	47	220
383-3	North Fork.....	Mendocino Lumber Co.....	Timber.....	43	189
Lake County					
391	Clear Lake Impound.....	Clear Lake Water Co.....	Grav.-Straight.....	33	420,000
392	Detert Lake.....	W. F. Detert Estate.....	Earth.....	39	1,700
393	Peters.....	W. C. Peters.....	Earth.....	32	117
97-101	Scott.....	Snow Mt. W. & P. Co.....	Grav.-Straight.....	115	73,163

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Yolo County					
28	Putah Creek.	City of Winters.....	Grav.-Fishbds..	11	177
Napa County					
1-5	Lake Corbello.....	Napa State Hospital.....	Earth.....	30	25
1-6	Lake Mar.....	Napa State Hospital.....	Earth.....	50	37 1/2
1-14	Veterans' Home.....	Veterans' Home of Calif....	Earth.....	47	39
7	Mason.....	City of Napa.....	Const. Rad. Arch	110	2,000
7-2	Napa Distribution.....	City of Napa.....	Masonry Arch....	35	20
14	Lake Curry.....	City of Vallejo.....	Earth.....	92	10,700
16	St. Helena, Upper.....	Town of St. Helena.....	Earth.....	50	40
16-2	St. Helena, Lower.....	Town of St. Helena.....	Earth.....	38	200
3	Kimball Creek.....	City of Calistoga.....	Earth.....	54	138
413	Newton No. 3.....	Dick R. Friesen.....	Roll. Earthfill....	29	75
413-2	Red Lake.....	Dick R. Friesen.....	Roll. Earthfill....	30	48
414	Duvall.....	Donald N. Duvall.....	Earth.....	27	82 2
Sonoma County					
1-13	Fern Lake.....	Sonoma State Home.....	Earth.....	40	185
1-18	San Francisco.....	Sonoma State Home.....	Earth.....	60	263
20	Healdsburg.....	City of Healdsburg.....	Collaps. Timber....	9	200
422	Lake Ralphine.....	Santa Rosa Water Works....	Earth.....	23	830
423	Del Rio Woods.....	Del Rio Woods H. O. Assn..	Collaps. Timber....	7	70
581-3	Laaber.....	Calif. Water Service Co.....	Earth.....	38	190
Marin County					
33	Alameda.....	Marin Mun. Water Dist....	Curved Grav....	134	9,210
33-2	Belvedere.....	Marin Mun. Water Dist....	Earth.....	48	330
33-3	Belvedere.....	Marin Mun. Water Dist....	Semi-Hyd.-Fill....	50	612
33-4	Belvedere.....	Marin Mun. Water Dist....	Earth.....	48	23
Solano County					
14-2	Lake Macintosh.....	City of Vallejo.....	Earth.....	80	1,744
14-3	Lake Fr.....	City of Vallejo.....	Earth.....	80	1,075
14 1/4	Fleming Hill No. 2.....	City of Vallejo.....	Earth.....	35	33 45
21	Suisun Municipal.....	Town of Suisun City.....	Earth.....	51	144
441	Clayton.....	Vallejo Water Co.....	Hydr.-fill.....	35	1,180
442	Lake Herman.....	Calif. Pacific Util. Co.....	Earth.....	40	1,300
442-2	Port.....	Calif. Pacific Util. Co.....	Earth.....	59	156
443	Sacramento Lake.....	C&H Sugar Ref. Corp. Ltd..	Earth.....	86	107
444	Brandy.....	D. R. Mangels.....	Earth.....	45 5	34
445	Marysville.....	Charles Mangels.....	Earth.....	50 5	276
Sacramento County					
1-16	Mt. Stoneman.....	William Stone Person.....	Earth.....	35	33
97-56	Pacific Gas & Elec. Co.....	Grav.-Masonry....	68	15
451	Webber & H.....	Georgtown Div. Water Co....	Grav.-Curved....	18	75
452	Daily.....	Geo. & Jennie Kybars.....	Earth.....	20	120
453-2	Willow Hill.....	National Water.....	Earth.....	30	120
454	Blodgett.....	H. I. & M. M. Blodgett.....	Earth.....	20	207
El Dorado County					
53	Webber Arch.....	El Dorado Irrig. Dist.....	Triple Arch.....	85	1,275
53-2	El Dorado Irrig. Dist.....	Earth.....	28	152
53-3	Webber Cr.....	El Dorado Irrig. Dist.....	Hyd.-fill.....	165	6,000
97-51	Amer. River Head.....	Pacific Gas & Elec. Co.....	Rkfill; tmb,rb.....	25	100
97-52	Echo Lake.....	Pacific Gas & Elec. Co.....	Mason. & Earth....	12	1,900
97-53	El Dorado Forebay.....	Pacific Gas & Elec. Co.....	Earth.....	90	400
97-55	Finnon.....	Pacific Gas & Elec. Co.....	Earth.....	50	600
97-57	Medley Lakes.....	Pacific Gas & Elec. Co.....	Grav.-Masonry....	20	5,350
460	Loon Lake.....	Georgtown Div. Water Co....	Mason. & Earth....	37	8,000
461-2	Fallen Leaf Lake.....	Anita M. Baldwin.....	Grav.-straight....	9	6,400
462	Bass Lake.....	J. M. Nicol.....	Earth.....	22	1,200
464	Williamson No. 1.....	Hector Williamson.....	Earth.....	42	200
465	Rock Creek.....	Arthur E. Raser.....	Earth.....	30	34
469	Big Canyon Creek.....	Iron Mountain Inv. Co.....	Earth.....	60	1,000

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Amador County					
1-10	Henderson.....	Preston School of Indus.	Earth.....	56	500
1-11	Henderson Forebay.....	Preston School of Indus.	Earth.....	40	30
97-58	Silver Lake.....	Pacific Gas & Elec. Co.....	Earth; Rk. Wall ..	30	8,724
97-61	Bear River.....	Pacific Gas & Elec. Co.....	Rock-fill.....	75	8,712
97-66	Salt Springs.....	Pacific Gas & Elec. Co.....	Rock-fill.....	313	136,000
97-67	Tabaud.....	Pacific Gas & Elec. Co.....	Earth.....	135	1,158
97-104	Tiger Cr. Regulator.....	Pacific Gas & Elec. Co.....	Slab & Butt.....	100	540
97-105	Tiger Cr. Afterbay.....	Pacific Gas & Elec. Co.....	Var. Rad. Arch ..	85	3,800
480	Penn Mining.....	H. G. Kreth.....	Earth.....	21 2	62 3
31-4	Pardee.....	East Bay M. U. Dist.....	Grav. curved.....	350	222,000
Calaveras County					
12	Hogan.....	City of Stockton.....	Var. Rad. Arch ..	107	76,000
62	Goodwin.....	Oak. & San Joa. I. D.....	2 Const. Rad. Ar.....	74	200
62-2	Melones.....	Oak. & So. San Joa. I. D.....	Const. Rad. Arch ..	171	112,000
82	Bingham.....	Calaveras Pub. Util. Dist.....	Earth.....	31	775
82-2	Middle Fork.....	Calaveras Pub. Util. Dist.....	Earth.....	60	1,718
99-2	Hunters.....	E. Rose & Hobart Est.....	Const. Rad. Arch ..	50	200
99-3	Ross.....	E. Rose & Hobart Est.....	Mason.; Rockfill ..	45	85
491	Emery.....	Emery Gold Min. & Wat. Co.....	Earth.....	50	300
495	Bevanda.....	M. J. Bevanda.....	Earth.....	25	60
496	Salt Springs Val.....	The California Co.....	Earth.....	45	12,930
497	Maskus.....	Fred Maskus.....	Earth.....	24	60
498	Copperopolis.....	Calif. Liquidating Co.....	Earth & Mason.....	33	225
499	Wallace.....	Gold Gravel Products Co.....	Gravel.....	75	3,600
500	McCarthy.....	Jackson T. McCarthy.....	Earth.....	17. 5	55
501	Mountain King.....	Jumbo Cons. Mining Co.....	Earth.....	30	82
502	Calaveras Cement Co.....	Calaveras Cement Co.....	Conc. Gravity.....	17	36
Alpine County					
97-59	Twin Lakes.....	Pacific Gas & Elec. Co.....	Earth.....	23	21,250
97-62	Lower Blue Lake.....	Pacific Gas & Elec. Co.....	Earth; Rk. Wall ..	43	4,140
97-63	Meadow Lake.....	Pacific Gas & Elec. Co.....	Rock-fill.....	73	5,830
97-69	Twin Lakes.....	Pacific Gas & Elec. Co.....	Earth; Rk. Wall ..	22	1,425
97-70	Upper Blue Lake.....	Pacific Gas & Elec. Co.....	Earth; Rk. Wall ..	31	7,500
99	Silver Valley.....	E. Rose & Hobart Est.....	Mason.; Rock-fill ..	45	4,500
99-6	Utica.....	E. Rose & Hobart Est.....	Rock-fill.....	52	2,100
511	Scott Lake.....	Dressler, Settlemyer et al.....	Earth.....	20	600
511-2	Crater Lake.....	Dressler, Settlemyer et al.....	Earth.....	36	320
511-3	Red Lake.....	Dressler, Settlemyer et al.....	Earth.....	22	900
512	Lost Lake, East.....	R. W. Bassman, et al.....	Earth; Rk. Wall ..	17	250
512-2	Lost Lake, West.....	R. W. Bassman, et al.....	Earth; Rk. Wall ..	24	50
513	Kinney Meadow.....	Alpine Land & Res. Co.....	Earth.....	27	650
513-2	Lower Kinney.....	Alpine Land & Res. Co.....	Earth; Conc. Wall ..	24	400
513-3	Lower Sunset.....	Alpine Land & Res. Co.....	Earth; Rk. Wall ..	18	400
513-5	Tamarac Lake.....	Alpine Land & Res. Co.....	Earth; Rk. Wall ..	18	800
513-6	Upper Kinney Lake.....	Alpine Land & Res. Co.....	Earth; Conc. Wl.....	20	328
513-7	Upper Sunset.....	Alpine Land & Res. Co.....	Earth; Rk. Wall.....	22	200
513-8	Wet Meadows.....	Alpine Land & Res. Co.....	Earth; Conc. Wl.....	23	370
514	Heenan Lake.....	H. F. Dangberg L. & L. Co.....	Earth.....	35	3,000
517	Nobel Lake.....	Geo. G. Hussman.....	Earth.....	15	51
Mono County					
6-33	Grant Lake.....	City of Los Angeles.....	Earth.....	87	49,300
6-34	Long Valley.....	City of Los Angeles.....	Earth; Rockfill.....	132	163,000
6-35	Walker Lake.....	City of Los Angeles.....	Earth; rock.....	9	460
6-36	Sardine Lake.....	City of Los Angeles.....	Rockfill.....	9	845
70-2	Bridgeport.....	Walker River I. D.....	Earth.....	63	42,455
101-5	Rush Cr. Meadows.....	Nevada-Calif. Elec. Corp.....	Const. Rad. Arch.....	50	4,970
101-6	Lundy Lake.....	Nevada-Calif. Elec. Corp.....	Earth; rock-fill.....	50	3,820
103	Gem Lake.....	Nevada-Calif. Elec. Corp.....	Multiple Arch.....	75	17,604
103-2	Agnew Lake.....	Nevada-Calif. Elec. Corp.....	Multiple Arch.....	30	851
103-4	Saddlebag.....	Nevada-Calif. Elec. Corp.....	Rock-fill.....	45	11,155

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Mono County—Continued					
103-5	Tioza Lake	Nevada-Calif. Elec. Corp.	Rock-fill	27	1,386
103-6	Rhnedollar	Nevada-Calif. Elec. Corp.	Rock-fill	17	745
531	Twin Lake, Upper	Day Est. & Plymouth L & L Co.	Earth; Rk. Walls	14	2,800
531 2	Twin Lake, Lower	Hunnewill, Fressler et al.	Rock-fill	16	4,000
532	Dexter Creek	Wm. Symons	Earth	21	537
534	Lake Oneida	Thomas R. Hanna	Log Crib-Rk. fill	16	250
536 2	Mono Forebay	Sierra Consol. Mines, Inc.	Crib. Earth & Rk.	37	35
536-3	Green Lake	Sierra Consol. Mines, Inc.	Tmbr. Crib & Rk.	8	400
Tuolumne County					
144 2	Standard Log Pond	Pickering Lumber Co.	Slab & Butt.	27	71
9	Early Intake	City & Co. of S. F.	Const. Rad. Arch.	56	115
9-2	Lake Eleanor	City & Co. of S. F.	Multiple Arch.	61	27,800
9-4	Moccasin	City & Co. of S. F.	Rock; Earth	58	525
9 5	O'Shaughnessy	City & Co. of S. F.	Grav.-Curved	312	369,000
9-6	Priest	City & Co. of S. F.	Rock; Semi-Hyd.	168	2,350
68	Don Pedro	Turlock & Modesto I. D.	Gravity-curved	278	289,000
97 72	Kincaid	Sierra & S. F. Power Co.	Earth	24	48
97 73	Lyons	Sierra & S. F. Power Co.	Var. Rad. Arch.	115	5,500
97 74	Main Strawberry	Sierra & S. F. Power Co.	Rock-fill	140	17,900
97-78	Phoenix	Sierra & S. F. Power Co.	Earth	42	1,215
97-80	Relief	Sierra & S. F. Power Co.	Rock-fill	140	15,120
97 82	San Diego	Sierra & S. F. Power Co.	Earth	39	40
97 83	Stanislaus F'bay	Sierra & S. F. Power Co.	Earth	55	200
99-4	Spieers Meadows	E. Rose & Hobart Est.	Earth-fill	67	7,200
99-5	Union	E. Rose & Hobart Est.	Rock-fill	32	2,000
551	Twain Harte	Twain Harte Realty Co.	Multiple Arch.	35	129
144-3	Tuolumne Log Pond	West Side Lumber Co.	Grav. Straight	22	120
Stanislaus County					
25	Modesto	City of Modesto	Collapse. Timber.	9	670
59	Dallas-Warner	Modesto Irrig. Dist.	Earth	36	27,000
62-3	Redden Lake	Oakdale Irrig. Dist.	Earth	40	380
66	Woodward	South San Joaquin I. D.	Hyd.-fill	60	35,000
68-2	La Grange	Turlock & Modesto I. D.	Grav.-Curv.; Mas.	131	500
68 3	Owen	Turlock Irrig. Dist.	Earth	28	49,000
68-4	Dawson Lake, No. 1	Turlock Irrig. Dist.	Earth	16	960
68 6	Forebay	Turlock Irrig. Dist.	Earth	25	159
562	Evans Creek	Tuolumne Gold Dredg. Co.	Earth	25	200
562 2	Cardoza	Tuolumne Gold Dredg. Co.	Earth	27	750
San Joaquin County					
571	Gilmore	Dan N. Gilmore	Earth	28	500
572	Davis	F. Podesta & F. Ferroggiaro	Earth	12	500
71	Woodbridge Div.	Woodbridge I. D.	Butt.; Fishbds.	20	2,464
Contra Costa County					
3	Antioch	Town of Antioch	Earth	30	570
20 2	Charles Lee Tilden Pk.	East Bay Reg. Park Dist.	Earth	88	243
31-2	Lafayette	East Bay M. U. Dist.	Earth	126	3,500
31-6	San Pablo	East Bay M. U. Dist.	Hydr. Fill	168	43,193
581	Chenery	Calif. Water Service Co.	Earth	31	3,113
581-2	Port Costa	Calif. Water Service Co.	Earth	45	39
583-2	Black Hills	Mt. Diablo Country Club	Earth	44	27
584	St. Mary's	St. Mary's College	Earth	55	400
587	Lake Orinda	Orinda Water Co.	Earth	45	220
Alameda County					
29	Lake Temescal	East Bay Reg. Park Dist.	Hydr.; Roll-Fill	110	485
31	Central	East Bay M. U. Dist.	Earth	53	485
31-5	Lower San Leandro	East Bay M. U. Dist.	Earth	135	13,800
31 7	Upper San Leandro	East Bay M. U. Dist.	Hydr.-Fill	190	41,436
31-8	Berryman	East Bay M. U. Dist.	Earth	40	69
31-10	Piedmont No. 1	East Bay M. U. Dist.	Earth	54	34
31-11	Piedmont No. 2	East Bay M. U. Dist.	Earth	52	60
31 12	Summit	East Bay M. U. Dist.	Earth	21	117
10	Calaveras	City & Co. of S. F.	Hyd.; Roll. Fill	205	100,000
591	Upper Edwards	Mt. View Cemetery Assn.	Earth	41	30

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Alameda County—Continued					
591-2	Lower Edwards.....	Mt. View Cemetery Assn.....	Earth	50	20
594	Tyson.....	Tyson Estate.....	Earthfill	57	25
San Francisco County					
San Mateo County					
10-6	Lower Crystal Springs.....	City & Co. of S. F.....	Grav.-Curved	140	54,000
10-8	Pilarcitos.....	City & Co. of S. F.....	Earth	90	3,100
10-10	San Andreas.....	City & Co. of S. F.....	Earth	97	18,500
10-16	Upper Crystal Spring.....	City & Co. of S. F.....	Earth	90	15,500
581-6	Bear Gulch.....	Calif. Water Service Co.....	Earth	65	672
581-7	Burlingame.....	Calif. Water Service Co.....	Earth	84	91
601	Kent No. 2.....	Eliz. A. Steele Kent.....	Earth	30	132
602	Lake Lucerne.....	Shoreland Properties, Inc.....	Earth	21	455
602-2	Bean Hollow No. 2.....	Shoreland Properties, Inc.....	Earthfill	25	600
602-3	Bean Hollow No. 3.....	Shoreland Properties, Inc.....	Earth	40	461 4
604	Flora Steele Res. No. 2.....	Flora E. Steele.....	Earth	26	70
605-2	Johnston.....	Harry & Chas. Johnston.....	Grav.-Straight	27	27
607-2	Cascade Creek.....	Humphrey Estate, Inc.....	Hyd.-Fill	60	52
607-3	Lake Elizabeth.....	Humphrey Estate, Inc.....	Earth	25	113
607-4	Lower Whitehouse Cr.....	Humphrey Estate, Inc.....	Hydr.-Fill	36	40
607-5	St. Charles.....	Humphrey Estate, Inc.....	Earth	63	833
608	McMahon Gulch.....	Dianda & Patroni.....	Earthfill	27	20
612	Emerald L. No. 1, Lower.....	Emerald Lake Country Club.....	Earth	57	45
612-2	Emerald L. No. 2, Upper.....	Leonard & Holt.....	Earth	31	42
614	Searsville.....	Leland Stanford Jr. Univ.....	Grav.-Curved	65	952
616	Crooker.....	Provident Securities Co.....	Earth	45	34
618	Millbrae No. 1.....	Mills Estate, Inc.....	Earth	44	22
615	Cowell.....	I. M., H. E. & S. H. Cowell.....	Earth	32	30
618-2	Millbrae No. 2.....	Mills Estate, Inc.....	Earth	36	29
618-3	Millbrae No. 3.....	Mills Estate, Inc.....	Earth	48	27
619	Notre Dame.....	College of Notre Dame.....	Earth	50	120
Santa Clara County					
24	Cherry Flat.....	City of San Jose.....	Earth	60	500
72	Coyote Percolation.....	Santa Clara Valley WCD.....	Remov. Flashbd.	8	72
72-2	Coyote.....	Santa Clara Valley WCD.....	Earth	120	24,560
72-3	Calero.....	Santa Clara Valley WCD.....	Earth	100	9,000
72-4	Almaden.....	Santa Clara Valley WCD.....	Earth	105	2,000
72-5	Guadalupe.....	Santa Clara Valley WCD.....	Earth	130	3,500
72-6	Vasona Percolating.....	Santa Clara Valley WCD.....	Earth	32	660
72-7	Stevens Creek.....	Santa Clara Valley WCD.....	Earth	120	4,000
77	North Fork.....	Pacheco Pass Water Dist.....	Earth	107	9,570
621-2	Grant Co. No. 2.....	Grant Company.....	Earth	27	600
614-2	Felt Lake.....	Leland Stanford Jr. Univ.....	Earth	67	900
622	Lake Ranch.....	San Jose Water Works.....	Earth	38	337
622-2	Lower Howell.....	San Jose Water Works.....	Earth	38	153
622-3	Upper Howell.....	San Jose Water Works.....	Earth	36	243
622-4	Williams.....	San Jose Water Works.....	Grav.-Straight	62	160
614-3	Lagunita.....	Leland Stanford Jr. Univ.....	Earth	15	260
Santa Cruz County					
23	Cowell.....	City of Santa Cruz.....	Earth	50	175
96-2	Mill Creek.....	Coast Counties G&E Co.....	Timbr.Crib; Earth	73	223
Monterey County					
642	San Clemente.....	Calif. Water & Telephone Co.....	Var. Rad. Arch.	83	2,154
642-2	Forest Lake.....	Calif. Water & Telephone Co.....	Earth	60	428
642-3	Pacific Grove.....	Calif. Water & Telephone Co.....	Earth	20	76
643	Black Rock Creek.....	Monterey Game & St. Assn.....	Earth & Rock	48	30
644	San Carlos.....	Arthur C. Oppenheimer.....	Earth	25	150
San Benito County					
651	Hawkins.....	C. N. Hawkins.....	Hydr.-Fill	68	470
652	Paicines.....	San Benito Co. L. & Water Co.....	Earth	23	4,500
653	J. V. de Laveaga.....	Ramon Somavia, Jr.....	Roll. Earth Fill	28.5	514

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Merced County					
58	Crocker Div.	Merced Irrig. Dist.	Grav.-Straight.	12	300
58-3	Lake Yosemite	Merced Irrig. Dist.	Earth.	45	7,000
95-10	Merced Falls	San Joaquin L. & P. Co.	Grav.-Straight.	24	620
Mariposa County					
58-2	Exchequer	Merced Irrig. Dist.	Grav.-Curved.	305	259,000
Madera County					
95-3	Crane Valley Storage	San Joaquin L. & P. Co.	Hyd. Fill; Er. & Rk.	145	45,000
15-4	No. 1 Forebay	San Joaquin L. & P. Co.	Earth.	18	50
95-6	No. 3 Forebay	San Joaquin L. & P. Co.	Earth.	35	20
95-12	No. 2 Res.	San Joaquin L. & P. Co.	Const. Rad. Arch.	22	200
681	Sierra Vista	Greenfield Co.	Earth.	12	90
Fresno County					
80	Roxolds Weir	Laguna Irrig. Dist.	Conc. Weir	16 3	259 4
80-2	Island Weir	Laguna Irrig. Dist.	Conc. Weir	12	231 4
84	Crescent Weir	Zelda Recl. Dist. No. 801	Conc. Slab & Butt	12	57
95	Balch Diversion	San Joaquin L. & P. Co.	Var. Rad. Arch.	65	185
95-2	Balch Afterbay	San Joaquin L. & P. Co.	Const. Rad. Arch.	71	125
95-8	Kerckhoff Diver.	San Joaquin L. & P. Co.	Var. Rad. Arch.	83	4,200
104	Big Creek Div.	So. Calif. Edison Co.	Const. Rad. Arch.	45	103
104-4	Big Creek No. 4	So. Calif. Edison Co.	Const. Rad. Arch.	68	100
104-5	Big Creek No. 5	So. Calif. Edison Co.	Const. Rad. Arch.	44	42
104-6	Big Creek No. 6	So. Calif. Edison Co.	Const. Rad. Arch.	130	993
104-9	Florence Lake	So. Calif. Edison Co.	Multiple Arch.	140	64,405
104-10	Huntington Lake	So. Calif. Edison Co.	Grav.-Curv. & Ear.	155	88,834
104-12	Mono Creek Div.	So. Calif. Edison Co.	Const. Rad. Arch.	40	45
104-18	Shaver Lake	So. Calif. Edison Co.	Grav.-Curved.	170	135,283
683	Mendota	S. J. & K. R. Canal & Irrig. Co.	Butt. & Flshbds.	17	3,000
683	Sequoia Lake	Y.M.C.A. Conference	Rock-fill.	47	3,000
696	Stinson Weir	Stinson Canal & Irrig. Co.	Conc. Weir	10	50 +
Inyo County					
6-11	Big Pine Creek No. 2	City of Los Angeles	Log. Crib; Rock	14	1,071
6-24	Hawsee	City of Los Angeles	Hyd. Fill	80	60,000
6-26	Thompson	City of Los Angeles	Earth	32	1,000
100	Hillside	Nev.-Calif. Elec. Corp.	Rock-fill	81	13,368
100-2	Landside	Nev.-Calif. Elec. Corp.	Rock-fill	27	145
101	Sabrina	Nev.-Calif. Elec. Corp.	Rock-fill	70	7,350
101-2	Bishop Cr. Intake No. 2	Nev.-Calif. Elec. Corp.	Earth-fill	84	115
101-7	North Lake	Nev.-Calif. Elec. Corp.	Earth; Rock Walls	15	48
Tulare County					
104-11	Lady Franklin Lake	So. Calif. Edison Co.	Butt. Mason. & Rk.	21	467
104-19	Crystal Lake	So. Calif. Edison Co.	Butt. Mason. & Rk.	16	162
104-20	Upper Monarch Lake	So. Calif. Edison Co.	Butt. Mason. & Rk.	22	314
711	Elk Bayou	Elk Bayou Ditch Co. Inc.	Earth.	26	60
Kings County					
70	Peoples Weir	Peoples Ditch Co.	Conc. Butt. Flshbd	15	120
720	Lower Empire Weir	Tulare Lake Canal Co.	Tmbr.; Flshbds.	15	1,400
721	Empire Weir No. 1	Empire Water Co.	Timber Frame	16	50 +
722	Lemoore Diver. Weir	Lemoore Canal & Irrig. Co.	Conc. Butt. & Flbds.	11	50
723	Last Chance Weir	Last Chance Water Di. Co.	Conc. Butt. & Flbds.	12	50
Kern County					
104-2	Diversion No. 1	So. Calif. Edison Co.	Grav.-Straight.	28	15
104-8	Berel	So. Calif. Edison Co.	Earth.	12	92
732	Buena Vista	Kern Co. Land Co. et al.	Earth.	12	205,000
San Luis Obispo County					
740	Atascadero Park	Co. of San Luis Obispo	Earth.	17	150

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Santa Barbara County					
11	Gibraltar.....	City of Santa Barbara.....	Const. Rad. Arch.....	150	13,742
11-2	Sheffield.....	City of Santa Barbara.....	Earth.....	30	138
34	Buell.....	Montecito Co. Water Dist.....	Hydr. Fill.....	102	172
34-2	Junel.....	Montecito Co. Water Dist.....	Var. Rad. Arch.....	142	7,064
751	La Patera.....	Sherman P. Stow Co.....	Earth.....	22	202
752	Rancho Del Ciervo.....	Rancho Del Ciervo.....	Earth.....	61	206
Ventura County					
1-17	Round Mountain.....	Camarillo State Hosp.....	Earth.....	19	440
761	Dennison.....	Dennison Ranch Co.....	Slab. & Butt.....	28	60
762	Anola.....	Otto G. Wilhelm.....	Earth.....	38	30
764-3	V. L. & W. Catch Basin No. 3	Tide Water Assoc. Oil Co.....	Earth.....	56	248
765	Lake Sherwood.....	Lake Sherwood Country Cb.....	Const. Rad. Arch.....	43	2,004
765-2	Lake Eleanor.....	So. Counties Land Co.....	Const. Rad. Arch.....	37	104
Los Angeles County					
4-4	Burbank No. 4.....	City of Burbank.....	Earth.....	35	21
5	Brand Park.....	City of Glendale.....	Earth.....	96	32
5-4	10th & Western.....	City of Glendale.....	Earth.....	28	46
5-5	Chevy Chase.....	City of Glendale.....	Earth.....	35	46
6	Ascot.....	City of Los Angeles.....	Earth.....	73	219
6-2	Buena Vista.....	City of Los Angeles.....	Earth.....	25	40
6-3	Bellevue.....	City of Los Angeles.....	Earth.....	46	107
6-4	Chatsworth.....	City of Los Angeles.....	Hyd.; Roll. Fill.....	45	10,500
6-5	Dry Canyon.....	City of Los Angeles.....	Hyd. Fill.....	67	1,325
6-6	Elysian.....	City of Los Angeles.....	Earthfill.....	60	135
6 7	Enrino.....	City of Los Angeles.....	Earth.....	120	3,230
6-8	Fairmont.....	City of Los Angeles.....	Hyd.; Rolled Fill.....	121	7,487
6-12	Highland.....	City of Los Angeles.....	Earth.....	18	61
6-13	Ivanhoe.....	City of Los Angeles.....	Earth.....	26	147
6-14	Lower Franklin.....	City of Los Angeles.....	Hyd.; Roll Fill.....	96	1,052
6-15	Lower San Fernando.....	City of Los Angeles.....	Hyd.; Roll Fill.....	143	20,500
6-16	Drinkwater.....	City of Los Angeles.....	Earth.....	105	92
6-17	Mulholland.....	City of Los Angeles.....	Grav.-Curv. Ear.....	195	4,034
6-18	Rowena.....	City of Los Angeles.....	Earth.....	19	94
6-21	Sawtelle Pressure Brk.....	City of Los Angeles.....	Earth.....	34	110
6-23	Silver Lake.....	City of Los Angeles.....	Hyd. Fill.....	42	2,430
6-25	Stone Canyon.....	City of Los Angeles.....	Earth.....	162	7,960
6-27	Upper Franklin.....	City of Los Angeles.....	Earth.....	50	118
6-28	Upper San Fernando.....	City of Los Angeles.....	Hyd. Roll.; Fill.....	80	1,977
6-29	Upper Hollywood.....	City of Los Angeles.....	Earth.....	82	196
6-31	Bouquet Canyon.....	City of Los Angeles.....	Earth.....	190	36,200
6-37	San Fernando Dyke "A".....	City of Los Angeles.....	Earthfill.....	34	70
6-38	San Fernando Dyke "B".....	City of Los Angeles.....	Earthfill.....	26.2	600
6-39	Channel Diversion Dike.....	City of Los Angeles.....	Earthfill.....	40	143
18	Greenleaf.....	City of Whittier.....	Earth.....	30	20
18-2	Whittier No. 4.....	City of Whittier.....	Earth.....	60	32
35-5	Morris.....	Metropolitan Water Dist.....	Grav.-Straight.....	245	36,665
32	Big Dalton.....	Los Angeles C. F. C. D.....	Multiple Arch.....	140	1,290
32-2	Big Santa Anita.....	Los Angeles C. F. C. D.....	Var. Rad. Arch.....	215	1,370
32-3	Devils Gate.....	Los Angeles C. F. C. D.....	Grav.-Curved.....	104	4,567
32-4	Verdugo Wash.....	Los Angeles C. F. C. D.....	Earth.....	23	50
32-5	San Gabriel No. 2.....	Los Angeles C. F. C. D.....	Rock-fill.....	265	14,000
32-6	Big Tujunga No. 1.....	Los Angeles C. F. C. D.....	Var. Rad. Arch.....	204	6,250
32-7	Live Oak.....	Los Angeles C. F. C. D.....	Grav.-Curved.....	70	245
32-8	Pacoima.....	Los Angeles C. F. C. D.....	Var. Rad. Arch.....	365	5,900
32-9	Puddingstone.....	Los Angeles C. F. C. D.....	Earth.....	147	17,398
32-10	San Dimas.....	Los Angeles C. F. C. D.....	Grav.-Curved.....	120	1,495
32-12	Sawpit.....	Los Angeles C. F. C. D.....	Const. Rad. Arch.....	147	156
32-13	Sierra Madre.....	Los Angeles C. F. C. D.....	Const. Rad. Arch.....	70	54
32-15	Thompson Creek.....	Los Angeles C. F. C. D.....	Earth.....	66	690
32-16	Puddingstone Div.....	Los Angeles C. F. C. D.....	Earth.....	34	148
32-18	Big Dalton, Lower.....	Los Angeles C. F. C. D.....	Grav.-Straight.....	30	18
32-19	San Gabriel No. 1.....	Los Angeles C. F. C. D.....	Earth; Rock.....	320	56,000
32-20	Eaton Wash.....	Los Angeles C. F. C. D.....	Earth.....	63	1,040
35-4	Palos Verdes.....	Metropolitan Water Dist.....	Roll. Earth Fill.....	81.5	1,000

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Los Angeles County—Continued					
57	Littlerock	Littlerock & Palmdale I. D.	Mult. Arch.	125	4,331
57-2	Harold	Palmdale Irrig. Dist.	Earth.	32	8,575
771	Malibu Lake Club	Malibu Lake Mt. Club.	Const. Rad. Arch.	35	1,000
772	Craggs Lake	Craggs Land Co.	Const. Rad. Arch.	35	100
773	Malibu	Marblehead Land Co.	Const. Rad. Arch.	102	575
774-2	Twin Lakes Park, Up.	Twin Lakes Park Co.	Rk.; Mas. Walls	50	40
775	Porter Estate	B. F. Porter Estate	Earth.	41	300
778	Wrigley	Santa Catalina Is. Co.	Earth.	47	70
778-2	Thompson	Santa Catalina Is. Co.	Hyd.-fill	52	300
778-3	Haypress	Santa Catalina Is. Co.	Earth.	28	21
778-4	Patrick	Santa Catalina Is. Co.	Earth.	64	61
Orange County					
75	Santiago Creek	Serr. & Carp. I. D. & Irvine Co.	Earth.	136	25,000
791	Yorba	Anaheim Union Water Co.	Earth.	45	2,000
791-2	Tuffice	Anaheim Union Water Co.	Earth.	15	79
793	Lambert North	The Irvine Company	Earth.	19	174
793-2	Peters Canyon	The Irvine Company	Earth.	54	1,090
793-3	Irvine Conservation	The Irvine Company	Earth.	39	16,846
793-4	Bonita Canyon	The Irvine Company	Earth.	51	295
793-5	Laguna	The Irvine Company	Earthfill	40	300
796	Veeh	George H. Veeh	Earth.	29	108
797	Whiting	El Toro Co.	Earth.	35	220
798	Hervill Dam No. 2	H. L. Hervill	Earth.	49	22 48
798 6	Sand Canyon	The Irvine Company	Earth.	75	800
San Bernardino County					
17-2	Devils Canyon Dyke No. 1	City of San Bernardino	Gravel	14	58
35-2	Gene Wash	Metropolitan Water Dist.	Var. Rad. Arch.	136	20,700
35-3	Copper Basin	Metropolitan Water Dist.	Var. Rad. Arch.	130	20,700
36	Lake Gregory	Crest Forest Co. Wtr. Dist.	Earth.	90	2,000
76	Desilting Basin No. 3	Cucamonga Bas. Prot. Assn.	Gravel-fill	19	54
76-2	Desilting Basin No. 6	Cucamonga Bas. Prot. Assn.	Gravel-fill	22	250
801	Chino Ranch No. 1	Scott Invest. Co., et al.	Earth.	20	80
801 3	Chino Ranch No. 3	Scott Invest. Co., et al.	Multiple Arch.	27	18
802	Cedar Lake	Bartlett Bros.	Var. Rad. Arch.	28	32
803	Bear Valley	Bear Val. Mutual Wtr. Co.	Multiple Arch.	80	72,400
804	Green Valley	Bank of America N. T. & S. A.	Triple Arch.	56	250
805	Lake Arrowhead	Arrowhead Lake Co.	Hydraulic-Fill	190	47,000
808	Los Serranos	Don Lugo Corp.	Earth.	16	110
Riverside County					
35	Mathews	Metropolitan Water Dist.	Earth.	194	100,000
	Mathews Dyke	Metropolitan Water Dist.	Earth.	86	
81	Fairmount Park	City of Riverside	Earthfill	11.5	200
813	Hole	W. J. Hole	Earth.	43	275
814	Mocking Bird	Gage Canal Co.	Earth.	70	1,000
815	Alvord	Riverside Water Co.	Hydraulic-Fill	33	36
817	Lake Hemet	Lake Hemet Water Co.	Grav.-Curv. Mas.	135	14,000
817-2	Little Lake	Lake Hemet Water Co.	Earth.	16	60
818	Railroad Canyon	Temescal Water Co.	Var. Rad. Arch.	70	12,000
818-2	Lee Lake	Temescal Water Co.	Earth.	30	650
820	Lake Norconian (So.)	Rex B. Clark	Earth.	13	250
821	Foxley	C. E. Foxley	Earth.	24	155
822	El Casco	G. O. Trauzettel	Earth.	15	125
San Diego County					
8	Barrett	City of San Diego	Gravity-Curved	152	42,499
8-2	Chollas	City of San Diego	Earth.	46	278
8-3	Lake Hodges	City of San Diego	Multiple Arch.	130	37,669
8-4	Savage	City of San Diego	Gravity-Curved	145	49,126
8-5	Morena	City of San Diego	Rockfill	167	65,900
8-6	San Dieguito	City of San Diego	Multiple Arch.	51	1,128
8-7	El Capitan	City of San Diego	Semi-Hyd.-Rk.Fill	217	116,500
8-8	Upper Otay	City of San Diego	Const. Rad. Arch.	77	2,793
8-9	San Vicente	City of San Diego	Straight Grav.	196	75,200
56	Cuyamaca	L. M., L. G. & S. V. I. D.	Earth.	40	11,600

DAMS UNDER STATE JURISDICTION BY COUNTIES—Continued

No.	Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
San Diego County—Continued					
56-3	Eucalyptus.....	L. M., L. G. & S. V. I. D.....	Earth.....	30	26
56-4	Mount Helix.....	L. M., L. G. & S. V. I. D.....	Earth.....	47	140
56-5	Murray.....	L. M., L. G. & S. V. I. D.....	Multiple Arch.....	107	5,885
56-6	Grossmount.....	L. M., L. G. & S. V. I. D.....	Earth.....	39	127
69	Pechstein.....	Vista Irrig. Dist.....	Earth.....	59	200
831	Lake O'Neil.....	Rancho Santa Margarita.....	Earth.....	18	1,390
833	Henshaw.....	San Diego Co. Wtr. Co.....	Semi-Hyd.-Fill.....	123	203,581
834	Lake Wohlford.....	Escondido Mut. Wtr. Co.....	Hyd. & Rock-fill.....	100	7,500
836	Fairbanks.....	Douglas Fairbanks.....	Grav.-Straight.....	36	100
837	Corte Madera.....	Corte Madera Corporation.....	Earth.....	16	50
839	Crouch.....	Charles C. Crouch.....	Earth.....	50	40
840	Sweetwater, Main.....	Calif. Water & Tel. Co.....	Gravity-Curved.....	108	31,176
	Sweetwater, So. Dyke.....	Calif. Water & Tel. Co.....	Earth.....	32	
840-3	Lake Loveland.....	Calif. Water & Tel. Co.....	Var. Rad. Arch.....	192	27,700
840-4	Judson.....	Calif. Water & Tel. Co.....	Earth.....	65	650
841	Henry Jr.....	H. F. Schnell.....	Var. Rad. Arch.....	33	196
841-2	Mary Joe.....	H. F. Schnell.....	Var. Rad. Arch.....	30	135
842	Upper 4-S.....	A. G. Ralph.....	Const. Rad. Arch.....	28	63
844	Wuest.....	Wm. Koontz & Wuest Est. Co.....	Earth.....	56	280
845	Monte Vista Ranch No. 1.....	Sefton Investment Co.....	Earth.....	60	21
847	Calavera.....	Carlsbad Mut. Wtr. Co.....	Earth.....	61	520
Lassen County					
156-6	Kramer.....	G. L. Kramer, Estate.....	Earth.....	22	65
160-3	Gerig.....	Peter Gerig, et al.....	Fls. Bd.-Con. Abut.....	8 5	110
173	Halls Meadows.....	E. G. Scammon.....	Earth.....	11 5	585
227-2	Ward Lake (Lower).....	Gibson Land Company.....	Earth.....	17	350
228	Round Valley.....	W. C. Anderson.....	Earth and Rock.....	40	2,000

FEDERAL DAMS NOT UNDER STATE JURISDICTION—BY COUNTIES

Name	Owner	Type	Height in feet	Storage capacity, in acre-feet
Modoc County				
Clear Lake.....	U. S. Bureau of Reclamation..	Earth; Rock Wall	33	462,000
Shasta County				
Shasta.....	U. S. Bureau of Reclamation..	Grav.-Curved.	480	4,500,000
Keswick.....	U. S. Bureau of Reclamation..	Gravity.....	125	
Tehama County				
So. Diversion Weir.....	U. S. Bureau of Reclamation..	Conc. & Rock-fill.	20	
Nevada County				
Boca.....	U. S. Bureau of Reclamation..	Earth-fill	110	40,900
Placer County				
Lake Tahoe.....	U. S. Bureau of Reclamation..	Grav.; Reinf. Conc.	14	741,000
North Fork.....	U. S. Calif. Debris Comm.....	Var. Rad. Arch....	155	16,000
Yuba County				
Narrows (Yuba).....	U. S. Calif. Debris Comm.....	Var. Rad. Arch....	267	77,000
Colusa County				
East Park Diversion.....	U. S. Bureau of Reclamation..	Arch.....	29	65
East Park (A to D).....	U. S. Bureau of Reclamation..	Conc. Grav. Arch..	90	51,000
Glenn County				
Stony Gorge.....	U. S. Bureau of Reclamation..	Amburson.....	125	50,200
Fresno County				
Friant.....	U. S. Bureau of Reclamation..	Grav.-Straight....	290	520,000
San Luis Obispo County				
Salinas (Upper).....	U. S. Army.....	Var. Rad. Arch....	125	45,000
Chorro Reservoir.....	U. S. Army.....			
Los Angeles County				
Santa Fe.....	U. S. Army Engineers.....	Rolled Fill.....	80	26,200
Sepulveda.....	U. S. Army Engineers.....	Rolled Fill.....	53	13,400
Hansen.....	U. S. Army Engineers.....	Rolled Fill.....	122	48,100
Orange County				
Brea.....	U. S. Army Engineers.....	Rolled Fill.....	90	4,200
Fullerton.....	U. S. Army Engineers.....	Rolled Fill.....	47	830
San Juan.....	U. S. Army Engineers.....	Rolled Fill.....	103	16,000
Carbon Canyon.....	U. S. Army Engineers.....			
San Bernardino County				
San Antonio.....	U. S. Army Engineers.....	Rolled Fill.....	82	3,180
Parker.....	U. S. Bureau of Reclamation..	Var. Rad. Arch....	43	510,000
Riverside County				
Prado.....	U. S. Army Engineers.....	Rolled Fill.....	105	224,500
Imperial County				
Imperial.....	U. S. Bureau of Reclamation..	Slab & Buttress...	23	85,000
Laguna.....	U. S. Bureau of Reclamation..	Rock-fill.....	40	0
Head Gate Rock.....	U. S. Indian Service.....	Earth.....	70	

NOTE: All information and data tabulated on this page is tentative only, subject to correction, revision and addition or deletion.

CONSIDERATION OF SPECIAL ORDER

The hour of 3 p.m. having arrived, Senate Resolution No. 24 was taken up.

Senate Resolution No. 24

Relative to Colonel Isaac Williams, perpetuating his communication to the Senate dated February 15, 1850, and commending him for his benevolence and humanity toward the early pioneers.

Remarks of Senator Ralph E. Swing in Support of Resolution
Concerning Colonel Isaac Williams

Shortly after the discovery of gold on the American River in January, 1848, news of the fabulous riches of the gold fields spread throughout the civilized world and drew to the State all classes and conditions of men. With the good came the bad, and with the men who defied the dangers of the wilderness came the women and the children. They came by ox-team, mule-team, horseback and on foot. Many entered through the northern route and passed by the fort erected by Captain John Sutter. Others came the southern route and passed the Rancho Del Chino, owned and presided over by Colonel Isaac Williams. The long trek across the desert and through the wilderness depleted their supplies, exhausted their teams, and in many instances reduced the immigrants to mere skin and bones. Sickness was not uncommon, deaths were frequent. The men suffered as well as the women and children. In the north the great and generous Captain John Sutter received them, fed them and comforted them. In the south they were received, fed and cared for by Colonel Williams. During the winter of '48 and the year of '49, thousands of these immigrants traveled the plains and entered the State and received comfort and aid from these two generous men. The immigrants were loud in their praise of these two frontiersmen and their fame for generosity and kindness extended throughout the State.

In the fall of '49 a Constitution for California was drafted at Monterey and in December of that year it was adopted and the first Governor and first Legislature of California were elected. At that time there were but 16 Senators and 36 Assemblymen. Among these were some of the immigrants theretofore befriended by Captain Sutter and by Colonel Williams.

In appreciation of the many deeds of kindness extended to immigrants, Senator Lippincott, on the seventh day of January, 1850, introduced a Senate resolution, thanking Captain Sutter and Colonel Williams for their kindly treatment of and assistance to the immigrants who passed their way. This action occurred even before California had been admitted to the Union. True, it was knocking at the door, but Congress had not yet recognized it and the thirty-first star had not yet been added to the American Flag. The State, however, was functioning under Governor Burnett and the Legislature just created and elected. Nevertheless, the spirit of appreciation of the services rendered by these two benefactors pervaded the members of the Legislature and the resolution was about to pass when an enemy of Colonel Williams circulated a cruel story to the effect that during the famous Battle of Chino, which was fought upon the Chino Ranch, he had failed to support the Americans against the then Californians. History discloses that many Americans sought refuge in Williams' home on the Chino Rancho and that they there fortified themselves and fought the Californians until finally the home of Colonel Williams was invaded and burned to the ground. Williams and others were captured and taken into Los Angeles. Nevertheless, feeling was running so high against the Californians that the story was given credence and because of it, Colonel Williams' name was stricken from the resolution, and on the twelfth day of January, 1850, the resolution, with the name of Colonel Williams stricken therefrom, was adopted and made an official record of this august body.

In those days news traveled slowly and it was not until February 13th that Colonel Williams received news of the wrong which had thus been done him, and immediately he wrote and dispatched to this Senate his protest against such action. That letter of protest was posted 92 years ago, but that it never reached its destination is evident by the fact that there is no record of it in any of the Journals of this body. For 92 years the protesting words of Colonel Williams have been echoing down the corridor of time, unread, unheard and unheeded. Today, as messenger of Colonel Williams, I bring and deliver to you that communication which should have reached the Senate 92 years ago. While it will be my voice, the words you will hear are from the grave. The protest of Colonel Williams has arrived 92 years late, it is true, but not too late, I hope, for us to heed. In my hand I hold that letter, a protest from a man long dead, so he speaks to you from the grave. Says he:

"RANCHO DEL CHINO

Feb'y 15th 1850

*To the Hon.**President of the Senate of California*

SIR.

I have noticed in the proceedings of the Legislature of this state that that body had before it on the 11th of January a resolution imbodying a note of thanks to Capt. Sutter & to myself for the relief extended by us to imigrats the past season and that on the passage of said resolution through the body over which you preside my name was struck out. the introduction of such a resolution into the legislature was perhaps needless and uncalled for; certainly it was unsolicited and quite unknown to me but after having been once introduced to be then by a deliberate act of legislative action recinded while that of Capt. Sutter is retained is palpably an assault upon my character. I am not at all desirous of public attention but I am not quite prepared to sit down quietly under the imputations which the passage of such a resolution involves. The reputation of every man is his dearest possession and of the more value inasmuch as it involves the happiness and welfare not merely of himself but of his Family and friends. it is with this view that I protest against the outrage committed upon me and demand as I conceive it to be my right under the circumstances a hearing before a committe of your body. if it should then appear that I have been negligent or unregardful of the wants of my countrymen in distress or unmindful of my duties as an American Citizen let the fact be made known and let my name be branded with all the approbrium which it may seem to deserve, but although making this request in all sincerity yet I am not credulous enough to suppose it will be granted me. I shall therefore crave the liberty of laying before the honorable body over which you preside a plain statement of the mode in which I have conducted towards the emigration for the past to seasons. I make this statement I beg you to believe with no little hesitation and repugnance but it appears to be the only course left for me to rebut the calumnies to which it seems I have been subjected. It may not be known to you that my ranche is situated on the great thoroughfare from Atlantic states that crosses the Colorado and that I am the first perminimt american Settler to be met upon it my property also directly adjoining the cañon Pass through which enters the old Spanish Trail, as it is termed, from Santa Fee and also the road from the Salt Lake and Los Angeles. In consequence of this position my house has been visited since the commencement of the gold excitement with a number of people that I hesitate to name I can safely say that there has not been more than two or three days at a time during the period but that more or less emigrants have passed my door and on many days as many as two or three hundred. During the period refered to I have had at my table on an average not less than six persons very often as high as twenty and never less than two or three out of this multitude of persons I have never charged or received one shilling by way of compensation till within two or three weeks past and then in cases of supposed imposition. It is well known that great numbers of emigrants have reached the settlements the past two seasons in a very destitute maner and many of them ill. I doubt if there has been a period for the last twelve months when I have not had at least one invalid in my House. Three men have died here within as many months last passed. From robbery by the Indians and other causes great numbers of the emigrants have arrived at my Rancho on foot. I have furnished on credit over 200 Animals to such with an understanding that they should pay me when they got to the mines. In addition to this I have advanced in cash to emigrants more than \$5000 and from all the amount of credit I have not yet received in all probability never shall \$500—to parties who have passed in want of provisions I have invariably sold corn and wheat at \$6—pr. fanaga while flour has been selling at 25cts pr. pound at Los Angeles the nearest neighbouring Pueblo. Whenever a party has wanted meet which occurs daily I have invariably supplied them without charge unless indeed they required a bullock and these I have supplied at from \$4. to \$8 which has been not more than about one half what my neighbours during the present winter have sold such animals for the emigrants from the salt Lake then distant at least 300 miles dispatched to me a messenger requesting me to send them a supply of provisions. I at once fitted out a train of pack mules which met them many miles the other side of the Moevia river. Many of them were women and children on foot and had been living for at least three weeks on the flesh of their exhausted oxen and animals. My agent supplied them with flour and other nescicarys at that point much cheaper than such articles could be obtained at Los Angeles and when parties were unable to pay upon credit and many times without charge. Many of these people arrived at my rancho pennyles and in not a few instances without a shoe to their feet—The lived upon me for weeks and to several who were unable to pay me I gave shoes

and other necessarys and sent them on their way. In placing this statement before you I beg you to bear in mind the peculiarity of the circumstances under which I act. I write neither for the purpose of sympathy or to crave restitution. I ask no mans praises and need no mans favours, but I do ask that when the highest tribunal in the State in which I am now one of the oldest American Citizens, have deliberately maligned my reputation that they shall as far as may be practicable give me an opportunity of rebutting the calumnies which have been made against me and to the end I request that you cause this communication to be read before the Senate. Should any of its assertions be contradicted I pledge myself to substantiate their correctness in any way before any tribunal that can be Instituted.

Very Respectfully
Yours"

I am sure had this letter reached its destination on time—had it arrived as the writer expected that it would—the then Senate of California would have wiped from its record the blot that stained the name and character of this great American pioneer.

It is true the present generation has long forgotten the generous acts and brave deeds of both Captain Sutter and Colonel Williams, but in the one case a record is preserved and the name is honored. In the other the good deeds are forgotten and the name shrouded in ignominy. It is never too late to rectify a wrong—it is never too late to erase a blot that defames the reputation of an innocent man. When the resolution which I now present shall have been read, I know it will receive the unanimous vote of all those who have just listened to the words of that kind and generous pioneer as I recorded his protest against the unfair action of an ill-advised Legislature.

Senate Resolution No. 24

Relative to Colonel Isaac Williams, perpetuating his communication to the Senate dated February 15, 1850, and commending him for his benevolence and humanity toward the early pioneers.

WHEREAS, Colonel Isaac Williams was born in Pennsylvania in the year 1799. By nature and instinct he was a hunter and trapper. By the time he had reached manhood the romance of the West had drifted to his home, infiltrated his blood and inspired a desire to travel westward. He arrived in California in the year 1832, long before it became a part of the Union. He first settled in Los Angeles and erected one of the earliest adobe buildings on Main Street. This building, during the brief period Los Angeles was the capital of California, was used as the seat of government, and thereafter became the Los Angeles County Courthouse for a short time.

In 1842 he married Senorita Maria de Lugo, whose father was the owner of the Santa Ana Del Chino Rancho, and until his death the Chino Ranch was his home. Colonel Williams was successful and prosperous and his home on the rancho soon became the mecca of the early pioneers. His generosity and kindness to people in distress spread throughout the country and those that he befriended were legion. When immigrant trains broke down and their supplies became exhausted, Colonel Williams went to the rescue and took with him food and clothing. Of him and his rancho, history records:

"The rancho served as a stopping-place on the overland route between Yuma and the gold fields of the North, and when the gold rush began all Americans who passed that way were heartily welcomed by the tall, handsome, genial and courtly 'Colonel,' who, while a shrewd business man, was the soul of generosity and kindness when fellow human beings were in need. The old frontiersmen found him a friend in need; many were the miners whom he grubstaked, and on numerous occasions he sent out relief parties to meet immigrant trains reported in need of succor. In later years Chino became a station on the Butterfield stage route." (History of San Bernardino County—John Brown, Jr.)

His participation in the famous Battle of Chino and his valiant stand against the attack and siege by a band of revolvers under the leadership of Varela, is now history. While his home was burned and he was taken captive, he and other captives declined the offer of liberty on condition that they no longer bear arms in behalf of the United States. History says: "To their credit they refused to secure freedom on such terms." The fame of Colonel Williams runs through the early history of the State and in those days spread to every part thereof. So famous did he become that on the seventh day of January, 1850, Senator Lippincott, then from the District of San Joaquin, introduced a resolution commending Captain John A. Sutter and Colonel Isaac Williams for the kindness and assistance which they respectively had extended to the early pioneers. While this resolution was pending, a cruel story was circulated to the effect that Colonel Williams had deserted his fellow pioneers while the Battle of Chino was raging, and because of this, the

resolution introduced by Senator Lippincott was side tracked and on January 12, 1850, a substitute resolution, commending Captain John A. Sutter, but without mention of Colonel Williams, was adopted.

In those days news traveled slowly and it was not until after the wrong had been done that Colonel Williams was apprised of the legislative action. He immediately addressed a communication to the President of the Senate of the State of California, which communication is now preserved in the archives of the Huntington Library. A photostatic copy of this communication is attached to this resolution and made a part hereof. The record fails to disclose that this communication was ever made known to the Senate of the State of California. If ever received by the President it perhaps was too late.

More than 90 years have passed since that letter of protest was posted, but even time will not rectify such a wrong or efface the blot which was thus cast upon the fair name and reputation of this honorable citizen of our State. While official action at this time will bring no satisfaction to Colonel Williams, nevertheless, it is fitting that such action be taken; therefore, be it

Resolved by the Senate of the State of California, That the photostatic copy of the letter of Colonel Williams hereto attached, dated the fifteenth day of February, 1850, addressed to the Honorable President of the Senate of California be entered in the Senate Journal and perpetuated in the records of this Legislature, and that the people of the State of California, acting through the Senate in this Extraordinary Session, do hereby express their appreciation of the many kindly acts and things done and performed by Colonel Isaac Williams and by this resolution he be recognized as a pioneer frontiersman with honor and integrity, and with a soul of generosity and kindness which endeared him to all who passed his way; and be it further

Resolved, That this resolution, together with a photostatic copy of said letter be placed in the archives of the California Room in the State Library.

Resolution read, and unanimously adopted.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator McBride, ordered printed in the Journal:

Editorial From Pacific Rural Press, December 27, 1941

American Japanese vs. Jap Japs

By D. M. RUTHERFORD

The way in which the alien Japanese matter has been handled calls for no patriotic bell ringing. As it stands at this writing aliens are permitted to do business with practically no restrictions, under a rattlingly loose licensing arrangement.

True, some of the known malefactors have been put behind barbed wire fences (some escaped underground or on fishing boats), but it stands to reason that there has been no very accurate separation of the sheep from the wolves—American citizens of Japanese ancestry from the Jap Japs.

The whole problem of Japanese residents in this country, citizen or Jap born, should be handled with the respect and caution ordinarily accorded to TNT.

Japanese-American children have been going to Japanese operated schools for many years. And don't forget that large numbers of Japanese boys from 12 years on up have been sent to Japan for their schooling. And Military training.

There would seem no rational objection to teaching the children something of the culture of their racial origin, just as we could have no objection to Americans of Swedish extraction learning about Sweden, but there is strong evidence that the Jap schools have not been given over to teaching the principles of Washington, Franklin, Jefferson, Lincoln.

The ivory tower handling of the present emergency may get us into a lot of trouble. We are inclined to be sympathetic to the plight of the Nisei, the American-born Japanese who are essentially American. But we doubt if there is much American about the alien Japanese residents here. Since aliens are now permitted to do business with little restriction, we will naturally be suspicious of all Japanese, to the detriment of those who by chance and fate were born here and who merit our kindly consideration.

Just now it would seem highly important to have a thoroughgoing investigation into all leases and purchases under the Alien Land Law. It would be particularly important to give the eagle eye to the leases. There has been plenty of subterfuge which we have complacently let lay. The shyster lawyer has played his part well—never a Japanese lawyer, the little brown men are too smart for that. And don't overlook the convenient practice of trading or borrowing American-born Japanese babies for the purpose of effecting land purchases or contracting leases! A few

of our upright legal brethren would find a lot of skulduggery if they would prod around here and there. But they might have to have clothespins on their noses.

We should look at the whole thing in the light of what might happen if the shoe were on the other foot. If there were some 60,000 Californians in Japan under these conditions, would they have the privilege of continuing their business with little if any supervision? Send their kids to school? Retain their personal property? Have plenty of food? Come and go with no restriction? You ask and answer some more obvious questions.

All enemy alien property should be under Federal custodianship. All enemy aliens should be pretty carefully sorted over. Those who merit release from custody should be sent to do farm work with which they are familiar under suitable Military or civilian authority. They might as well be kept busy and no doubt we will be able to find some use for the produce.

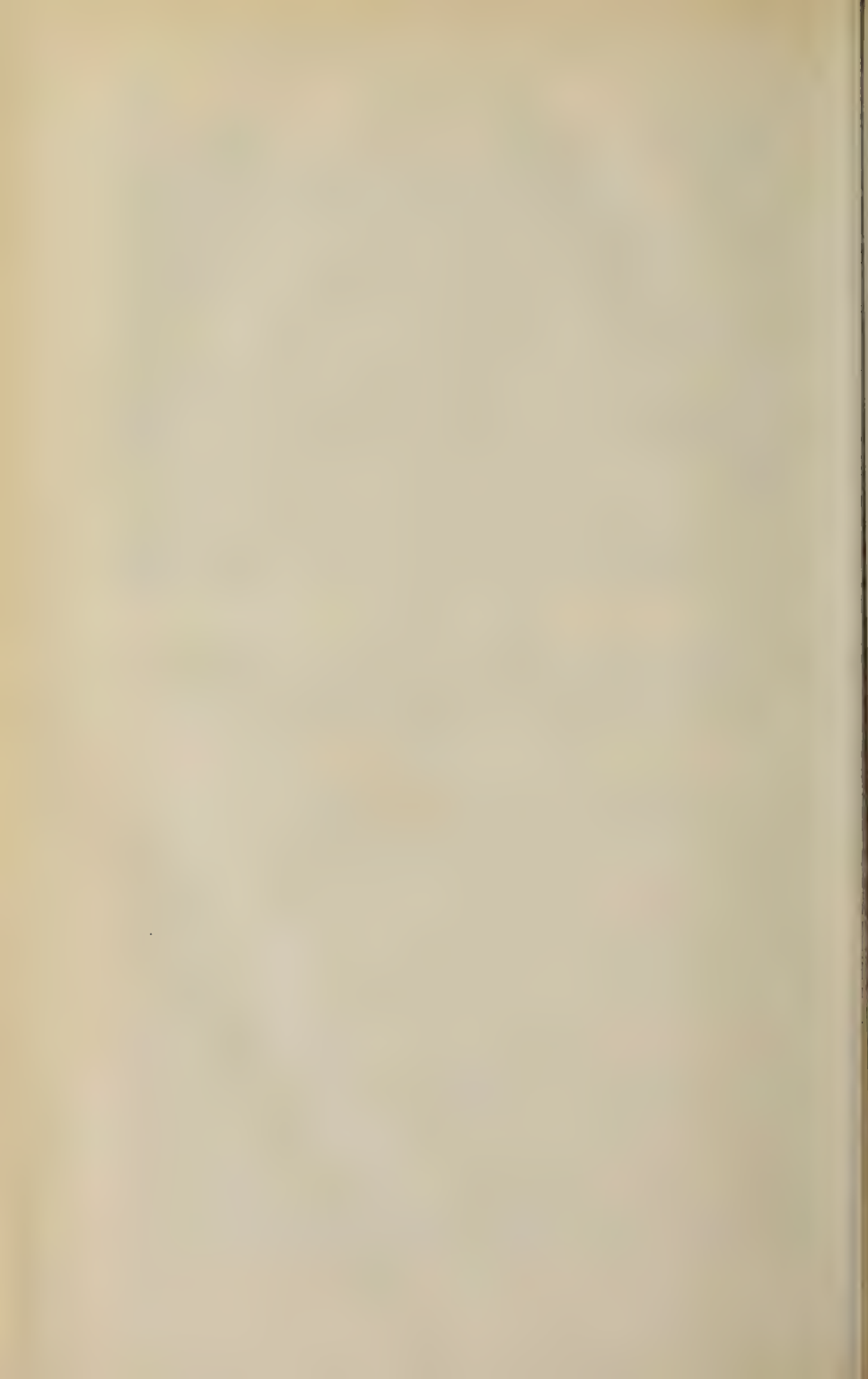
We know from what has happened in Hawaii and the Philippines that attacking forces have been aided by resident operatives. It is beyond question that there are many here waiting to do their stint for the war lords of the land of the rising sun—if, as, and when. We must be tough enough to keep the resident aliens here under some complete control. Their business operations, if permitted, should be on the basis of subsistence only, with no surplus of funds which may be used for purposes of sabotage or other monkey business. We are not involved in a tea party. The total war effort of the enemy calls for total preparation and total caution on our part.

The free and easy licensing arrangement under which enemy aliens are now permitted to operate looks pretty soft to us from this vantage point. Maybe we had better quarterback this deal instead of waiting for the punt.

Communications from the Joint Legislative Budget Committee, relative to the State Guard, were presented by Senator Fletcher, and ordered referred to the Committee on Rules.

ADJOURNMENT

At 4 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., January 13, 1942, out of respect to the memory of the late Congressman Lee E. Geyer.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
 Tuesday, January 13, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Dan Gallagher of San Francisco.

On request of Senators Swan and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene Benedetti of Roseville.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 10

Senate Concurrent Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 20—Relative to approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 20, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 20

Assembly Concurrent Resolution No. 20—Relative to approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Luckey, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Slater, and Swan—21.

NOTES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 12, 1942

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Judge Allen M. Sacry to the Board of Managers of the Mendocino State Hospital, has had the same under consideration and respectfully recommends that the said appointment be confirmed by the Senate.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 12, 1942

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Archibald Young, Jesse W. Tapp, W. J. Cecil, Colonel F. E. Foster, James Musatti, C. J. Haggerty, John Despol, Harry See, Dr. Ray Lyman Wilbur, Dr. Robert Millikan, Baldwin M. Woods, John B. Long, Major Milton T. Dean, Harold Kennedy, Dr. Samuel C. May, E. F. Scattergood, L. G. Taggart, Robert F. Garner, Jr., Mrs. Thomas Richards, and Frank W. Clark as members of the California State Council of Defense, has had the same under consideration and reports the same back to the Senate without any recommendation.

RICH, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Rich moved that the Senate confirm and consent to the appointment of Judge Allen M. Sacry of Willits as a member of the Board of Managers of the Mendocino State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of Judge Allen M. Sacry?"

The roll was called, with the following result :

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Judah, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, and Tickle—22.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Judge Allen M. Saery as a member of the Board of Managers of the Mendocino State Hospital.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Archibald Young, Jesse W. Tapp, W. J. Cecil, Colonel F. E. Foster, James Musatti, C. J. Haggerty, John Despol, Harry See, Dr. Ray Lyman Wilbur, Dr. Robert Millikan, Baldwin M. Woods, John B. Long, Major Milton T. Dean, Harold Kennedy, Dr. Samuel C. May, E. F. Scattergood, L. G. Taggart, Robert F. Garner, Jr., Mrs. Thomas Richards and Frank W. Clark as members of the California State Council of Defense.

The President put the question, "Will the Senate confirm and consent to the appointment of Archibald Young, Jesse W. Tapp, W. J. Cecil, Colonel F. E. Foster, James Musatti, C. J. Haggerty, John Despol, Harry See, Dr. Ray Lyman Wilbur, Dr. Robert Millikan, Baldwin M. Woods, John B. Long, Major Milton T. Dean, Harold Kennedy, Dr. Samuel C. May, E. F. Scattergood, L. G. Taggart, Robert F. Garner, Jr., Mrs. Thomas Richards and Frank W. Clark?"

The roll was called, with the following result :

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Tickle—25.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Archibald Young, Jesse W. Tapp, W. J. Cecil, Colonel F. E. Foster, James Musatti, C. J. Haggerty, John Despol, Harry See, Dr. Ray Lyman Wilbur, Dr. Robert Millikan, Baldwin M. Woods, John B. Long, Major Milton T. Dean, Harold Kennedy, Dr. Samuel C. May, E. F. Scattergood, L. G. Taggart, Robert F. Garner, Jr., Mrs. Thomas Richards and Frank W. Clark as members of the California State Council of Defense.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 16—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 17—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 18—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 19—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 20—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 22—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 23—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 24—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 25—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 26—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 27—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Powers moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 16, of the printed bill, after "protection", insert ", of which latter amount fifty thousand dollars (\$50,000), if and when expended, shall be expended only for fire protection of private lands within National Forest boundaries,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 28—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 30—An act making an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

CONSIDERATION OF SPECIAL ORDER

The hour of 11 a.m. having arrived, Senate Bill No. 29 was taken up.

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

RECESS

At 12.38 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and

rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 4 of the printed bill, strike out lines 17 to 29, inclusive, and insert
 "(c) No officer or enlisted man in either the active membership or the reserve force shall be paid except for the period of his active, full-time service."

Amendment No. 2

On page 4 of the printed bill, strike out lines 39 to 50, inclusive, and insert
 "2. During such time as the United States is engaged in war the Governor shall have power, in addition to his power to call forth the Militia under Section 1 of Article VIII of the Constitution, to call into full time active service all or any part of the active membership of the State Guard for service in any part of the State for the performance of such duties as may be necessary. The Governor shall also have power to call into full-time active service, at the request of any sheriff or chief of police addressed to the Governor or The Adjutant General, all or any part of the reserve force of the State Guard enlisted in the county from which such request is received for the performance within such county of the same duties as may be required of the active membership under this paragraph."

Amendments read and adopted.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 11, of the printed bill, strike out "10", and insert "15".

Amendment No. 2

On page 3, line 7, of the printed bill, strike out "10", and insert "15".

Amendments read.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Fletcher, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—19.

NOES—Senators Breed, Gordon, Judah, Kenny, Kuchel, Mayo, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—13.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 3, between lines 25 and 26, of the printed bill, insert
 "A chaplain with the rank of First Lieutenant shall be appointed for each battalion."

Amendment No. 2

On page 4 of the printed bill, between lines 11 and 12, insert
 "A chaplain with the rank of Lieutenant Junior Grade shall be appointed for the nautical and marine force."

Amendments read.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

NOES—Senators Breed, DeLap, Keating, Kenny, Kuchel, Phillips, Rich, and Tickle—8.

Motion to Amend

Senators Judah, Phillips, Mixter and Gordon moved the adoption of the following amendment:

Amendment No. 1

On page 5, lines 22 and 23, of the printed bill, strike out "by the State Board of Medical Examiners", and insert "under Chapter 5 of Division 2 of the Business and Professions Code".

Amendment read, and refused adoption.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 13, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

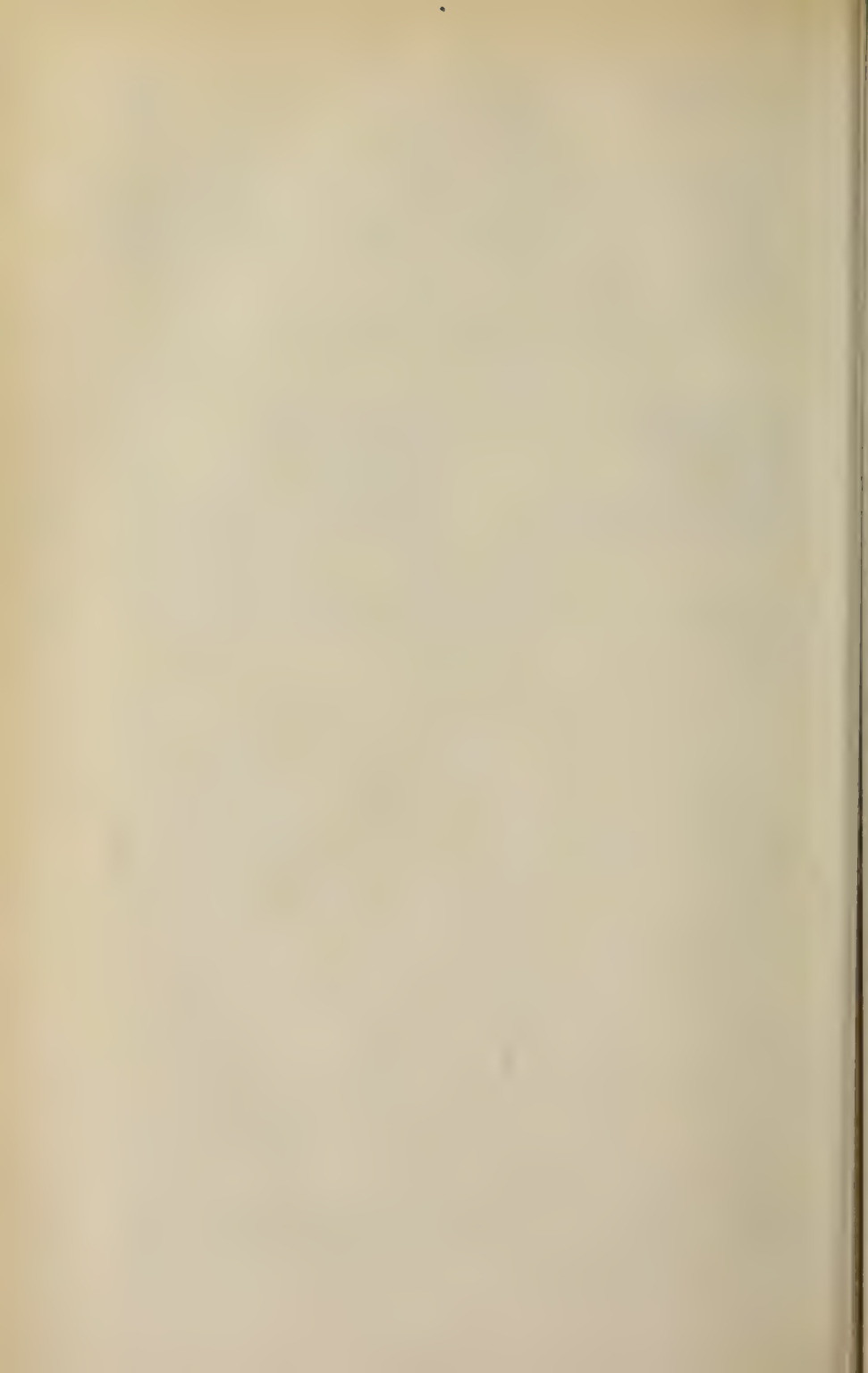
Senate Bill No. 16	Senate Bill No. 23
Senate Bill No. 17	Senate Bill No. 24
Senate Bill No. 18	Senate Bill No. 25
Senate Bill No. 19	Senate Bill No. 26
Senate Bill No. 20	Senate Bill No. 27
Senate Bill No. 21	Senate Bill No. 28
Senate Bill No. 22	Senate Bill No. 30

And reports the same correctly engrossed.

RICH, Chairman

ADJOURNMENT

At 6.07 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., January 14, 1942.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, January 14, 1942

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Collier, on motion of Senator Brown.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Thornton Wilson, legal aide to Admiral Greenslade of the Twelfth Naval District.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to First Lieutenant E. T. Williams of Kelseyville.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain E. A. O'Neill of Santa Cruz.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Douglas Frame of Sacramento.

COMMUNICATIONS

A communication from M. L. Hubbard, Adjutant, San Francisco County Council, Veterans of Foreign Wars, relative to State Guard, was received, and ordered referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 25

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 12, 1942, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
John F. Lea, Chief Assistant Secretary-----	\$9 00
Walter J. McLaughlin, Assistant Secretary-----	7 00
N. L. Levering, Assistant Secretary-----	7 00
Arthur R. Hughes, Assistant-at-desk-----	5 00
Mrs. Hazel Blackwell, Chief Stenographer-----	6 00
Shirley Hamer, Stenographer-----	5 00
Belle Tomasini, Stenographer-----	5 00
Laura Prentice, Assistant-at-desk-----	5 00
Thomas A. Wright, Assistant Sergeant-at-Arms-----	5 00
H. Perry Smith, Assistant Sergeant-at-Arms-----	5 00
Harry L. Jordan, Bookkeeper to Sergeant-at-Arms-----	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, and Tickle—26.

NOES—None.

By Senator Tickle:

Senate Resolution No. 26

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning January 13, 1942, and the Controller is hereby directed to draw his warrants in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Maud Grimshaw, Stenographer-----	<i>Per day</i> \$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Tickle—27.

NOES—None.

By Senators Kenny and Phillips:

Senate Resolution No. 27

Relative to Interim Committee on Economic Planning.

Referred to Committee on Rules.

By Senator McBride:

Senate Resolution No. 28

Relating to creating the Alien Land Law Investigating Committee, to investigate evasions of the Alien Land Law.

Referred to Committee on Rules.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 8: By Senator Gordon—Relating to a survey of California agricultural labor needs.

Request for Unanimous Consent

Senator Gordon asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 8, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 8

Senate Joint Resolution No. 8—Relating to a survey of California agricultural labor needs.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time.

Senate Bill No. 31: By Senators Breed, Swan, Kenny, Shelley, Seawell, Ward, Powers, McBride, Brown, Collier, Judah, Keating, Tickle, DeLap, Carter and Parkman—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Senate Concurrent Resolution No. 13: By Senators Swan, Shelley, Cunningham, Ward, Breed, Powers, Biggar, Quinn, Carter, Garrison, Seawell, Collier, Judah, McBride, Jespersen, Phillips, Kenny, Kuchel, McCormack, Brown, Fletcher, Gordon, Parkman, Mayo, Slater, Luckey, Rich, Mixer, Dillinger, Myhand, Crittenden, Tickle, Denel, DeLap, Keating, Swing and Metzger—Relative to the appointment of the Honorable John D. Foley to the bench of the Superior Court in Santa Clara County.

Without reference to committee.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5

and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, following line 9, insert

"4. Such Observation Squadrons, organized prior to December 7, 1941, which may in the opinion of The Adjutant General be necessary for the proper function of the State Guard as a guard unit and not for combat purposes."

Amendment read, and adopted.

Motion to Amend

Senator Powers moved the adoption of the following amendments:

Amendment No. 1

On page 3 of the printed bill, between lines 9 and 10, insert

"5. Such number of Cavalry units as The Adjutant General shall determine."

Amendment No. 2

On page 3 of the printed bill, between lines 43 and 44, insert

"The Adjutant General may also organize such number of Cavalry units as he may deem advisable, each unit to consist of such number of active membership or of the reserve force, or both, as he may determine. The organization of Cavalry units shall not increase the enlisted strength of the State Guard and upon the organization of any such unit the enlisted strength of the Infantry units provided in this subdivision shall be reduced by the same number as the enlisted strength of the Cavalry unit. The commissioned and noncommissioned officers for any Cavalry unit shall be the same as prescribed for a similar unit in the United States Cavalry."

Amendments read, and adopted.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 8, of the printed bill, strike out "four", and insert "six"; and on page 3, line 45, strike out "four", and insert "six".

Amendment read, and adopted.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 2

On page 3, between lines 9 and 10, of the printed bill, insert

"6. Such auxiliary units as may be necessary for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit."

Amendment read.

Motion to Table

Senator DeLap moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Quinn, Garrison and Swan demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Tickle, and Ward—24.

NOES—Senators Carter, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Quinn, Shelley, Slater, Swan, and Swing—12.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 3

On page 3, between lines 9 and 10, of the printed bill, insert

"6. Auxiliary units for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit, to consist of active membership or reserve forces, or both, as shall be determined by The Adjutant General, and having a maximum strength as follows:

Quartermaster Corps.....	624 officers and men
Medical Corps.....	1296 officers and men
Motor Transport Corps.....	315 officers and men
Headquarters Company, Adjutant Generals Office.....	100 officers and men
Signal Corps.....	320 officers and men
Ordnance Corps.....	208 officers and men
Sanitary Corps.....	320 officers and men
Evacuation Unit.....	771 officers and men
Air Corps.....	1170 officers and men
Engineering Corps.....	771 officers and men".

Amendment read.

Motion for Division of Question

Senator Quinn moved for a division of the question in order that items might be voted upon separately.

Point of Order

Senator DeLap arose to the following point of order: That the question was not divisible.

Point of Order Sustained

The President ruled the point of order well taken.

Motion to Table

Senator DeLap moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Garrison, Swan and Jespersen demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—23.

NOES—Senators Carter, Garrison, Jespersen, Metzger, Quinn, Seawell, Shelley, Slater, Swan, and Swing—10.

Motion to Reconsider

Senator Metzger moved to reconsider the vote whereby Amendment No. 2 was laid on the table.

Motion to Table

Senator Rich moved that the motion to reconsider the vote whereby Amendment No. 2 was laid on the table be laid on the table.

Roll Call Demanded

Senators Garrison, Swan and Quinn demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Kuehel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—22.

NOES—Senators Carter, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—14.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 4

On page 2 of the printed bill, strike out lines 4 to 11, inclusive, and insert "active service shall receive the same pay as officers of the same rank or grade in the United States Army."

Amendment read.

Motion to Table

Senator DeLap moved that the above amendment be laid on the table.
Motion carried.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 5

On page 3, line 20, of the printed bill, after "and", insert "one officer having the rank of not higher than First Lieutenant who shall act as Regimental".

Amendment read.

Motion to Table

Senator Myhand moved that the above amendment be laid on the table.

Motion carried.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 6

On page 2 of the printed bill, between lines 27 and 28, insert

"In addition to the pay provided for in this chapter, an enlisted man in the State Guard when called into active service shall receive an allowance (not in any case to exceed thirty-five dollars (\$35) per month) for the support of actual dependents as follows:

(a) For the first dependent at the rate of fifteen dollars (\$15) per month for the period of time served;

(b) For each of the next two dependents at the rate of ten dollars (\$10) per month for the period of time served.

A dependent is the wife of the enlisted man, a child under the age of 21, or the mother, father, or other person, whether related to the enlisted man or not, and whether living with him or not, dependent upon and receiving his chief support from the enlisted man, provided such mother, father, or other person is incapable of self-support because mentally or physically defective."

Amendment read.

Motion to Table

Senator DeLap moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Seawell, Carter and Garrison demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Dencl, Fletcher, Gordon, Kenny, Kuchel, Mayo, McCormack, Mixter, Myhand, Phillips, Rich, Tickle, and Ward—18.

NOES—Senators Carter, Dillinger, Garrison, Jespersen, Judah, Keating, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, and Swing—15.

RECESS

At 12.45 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 11

Assembly Joint Resolution No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old-age assistance.

Referred to Committee on Rules.

Assembly Joint Resolution No. 14—Relative to memorializing the Congress of the United States to enact pending legislation providing penalties for the theft of automobile tires, parts and accessories.

Referred to Committee on Rules.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 3.02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**FURTHER CONSIDERATION OF SENATE BILL NO. 29**

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient

operation thereof consistent with such privileges, allowances and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, between lines 40 and 41, insert

"If it appears to be in the best interests of the State to enlarge the reserve force of any regiment or company beyond the maximum strength provided in this subdivision, The Adjutant General may provide for the organization of additional platoons of the reserve force, to be attached to such company or companies as he may designate."

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.12 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Further Consideration of Amendment by Senator Seawell

Amendment read, and adopted.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 7

On page 3 of the printed bill, between lines 9 and 10, insert

"6. Auxiliary units for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit, to consist of active membership or reserve forces, or both, as shall be determined by The Adjutant General, and having a maximum strength as follows:

Quartermaster Corps-----624 officers and men".

Amendment read.

Motion to Table

Senator DeLap moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Quinn, Garrison and Swing demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Judah, Kenny, Mayo, Mixter, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—19.

NOES—Senators Carter, Garrison, Jespersen, Keating, Luckey, McBride, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—13.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 8

On page 3 of the printed bill, between lines 9 and 10, insert

"6. Auxiliary units for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit, to consist of active membership or reserve forces, or both, as shall be determined by The Adjutant General, and having a maximum strength as follows:

Medical Corps-----1,296 officers and men".

Amendment read.

Motion to Table

Senator DeLap moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Quinn, Garrison and Carter demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Gordon, Judah, Kenny, Mayo, Mixter, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—18.

NOES—Senators Carter, Denel, Garrison, Jespersen, Keating, Metzger, Powers, Quinn, Seawell, Shelley, Slater, and Swan—12.

THIRD READING OF SENATE BILL NO. 16

Senate Bill No. 16—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—29.

NOES—None.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 7, line 16, of the printed bill, strike out "five million."; strike out line 17; and in line 18, strike out "dollars (\$5,348,661)", and insert "seventeen million, two hundred ninety-seven thousand, two hundred, sixteen dollars (\$17,297,518)".

Amendment No. 2

On page 7 of the printed bill, between lines 30 and 31, insert "Not more than ninety thousand dollars (\$90,000) of the amount appropriated by this act shall be expended for rental, utilities, and motor service for company headquarters maintained at other than State armories."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

FURTHER CONSIDERATION OF SENATE BILL NO. 16

Senate Bill No. 16—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Previous Question

Senator Metzger moved the previous question.

Motion carried.

The question being upon the final passage of Senate Bill No. 16.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 5.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 13**

Senate Concurrent Resolution No. 13—Relative to the appointment of the Honorable John D. Foley to the bench of the Superior Court in Santa Clara County.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

Ayes—Senators Bazzar, Brod, Brown, Carter, Crittenden, Cunningham, DeLap, Devel, Dickinson, Fletcher, Gaudson, Gordon, Jorgensen, Judah, Keating, Kenny, Ketchum, Loomis, Mayo, McBride, McConnell, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Nays—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Swan, Metzger and Jespersen:

Senate Resolution No. 29

Relative to the creation of a Senate Committee to study and report concerning the employment, by the State, of American-born citizens of Japanese descent.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 10—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Geyer;

Senate Concurrent Resolution No. 11—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes;
And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of January, 1942, at 11 a.m.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 33

Assembly Bill No. 34

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Parkman moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert "92.5. Notwithstanding any provision to the contrary in Section 92, the maximum base of allocation paid any fair shall increase by 10 per cent over the maximum base for either the calendar year 1941 or for any subsequent calendar year during

which the fair was held during the period for which the war with Germany, Italy, and Japan continues and until the end of the calendar year in which the war terminates."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.27 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 16 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Tickle, and Ward—27.

NOES—Senators Carter, Garrison, Jespersen, McBride, Quinn, Shelley, Slater, Swan, and Swing—9.

RECESS

At 5.30 p.m., on motion of Senator Rich, the Senate recessed until 8 p.m.

REASSEMBLED

At 8 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 21

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 29

And reports the same correctly engrossed.

RICH, Chairman

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 8.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 8.20 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Tickle—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 17—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—30.

NOES—Senator Garrison—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 18—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Tickle, and Ward—31.

NOES—Senators Carter, Garrison, Quinn, Swan, and Swing—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 19—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Tickle, and Ward—30.

NOES—Senators Carter, and Swan—2.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 20

Senator Rich moved that Senate Bill No. 20 be re-referred to Committee on Rules.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 22—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—35.

NOES—None.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 8.58 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 23—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—31.

NOES—Senators Quinn, and Swan—2.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—29.

NOES—Senators Carter, Garrison, Quinn, Swan, and Swing—5.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 24

Senator Mayo moved that Senate Bill No. 24 be re-referred to Committee on Rules.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 27—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

Previous Question

Senator Metzger moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 27.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—30.

NOES—Senators Garrison, Quinn, Swan, and Swing—4.

Bill ordered transmitted to the Assembly.

Statement of Vote on Senate Bill No. 27

I am in favor of making an adequate appropriation for fire prevention and am heartily in favor of the master plan recommended by the Attorney General and approved by the State Council of Defense, but I feel constrained to vote against this particular bill because I feel that it would defeat the very purposes which we seek to accomplish. If this bill is not within the call, then it will be absolutely void and to vote in favor of such a bill, if it should be finally determined void, would be a futile and silly act.

I am in favor of making an adequate appropriation to the Emergency Fund so that an adequate sum may be allocated by the Director of Finance to carry out the master plan of fire prevention. This can best be done by causing the money to be placed in the Emergency Fund concerning which there is no question as to its validity. When that bill comes up I shall vote to include therein the sum recommended by the Attorney General for such purpose and shall support the bill for such purpose to the utmost of my ability.

RALPH E. SWING
JOHN HAROLD SWAN
IRWIN T. QUINN
J. C. GARRISON

Senate Bill No. 25—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 26—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—28.

NOES—Senators Garrison, Quinn, and Swan—3.

Bill ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 32: By Senator Metzger—An act augmenting the Emergency Fund to provide money to be advanced to the United States by the Reclamation Board for levee construction, declaring the urgency thereof, and providing that it shall take effect immediately.

Referred to Committee on Rules.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Breed:

Resolved, That Senate Bill No. 31 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time, and placed upon third reading file.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

SECOND READING OF SENATE BILL NO. 31

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 21.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Referred to Committee on Rules.

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Rules.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 10.05 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 10.06 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10.07 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 22 refused passage by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuebel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Tickle, and Ward—25.

NOES—Senators Carter, Garrison, Keating, McBride, Quinn, Shelley, Slater, Swan, and Swing—9.

Motion to Reconsider

Senator Rich moved to reconsider the vote whereby Senate Bill No. 22 was refused passage.

Postponement of Reconsideration

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 22 was refused passage, was continued until the next legislative day.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

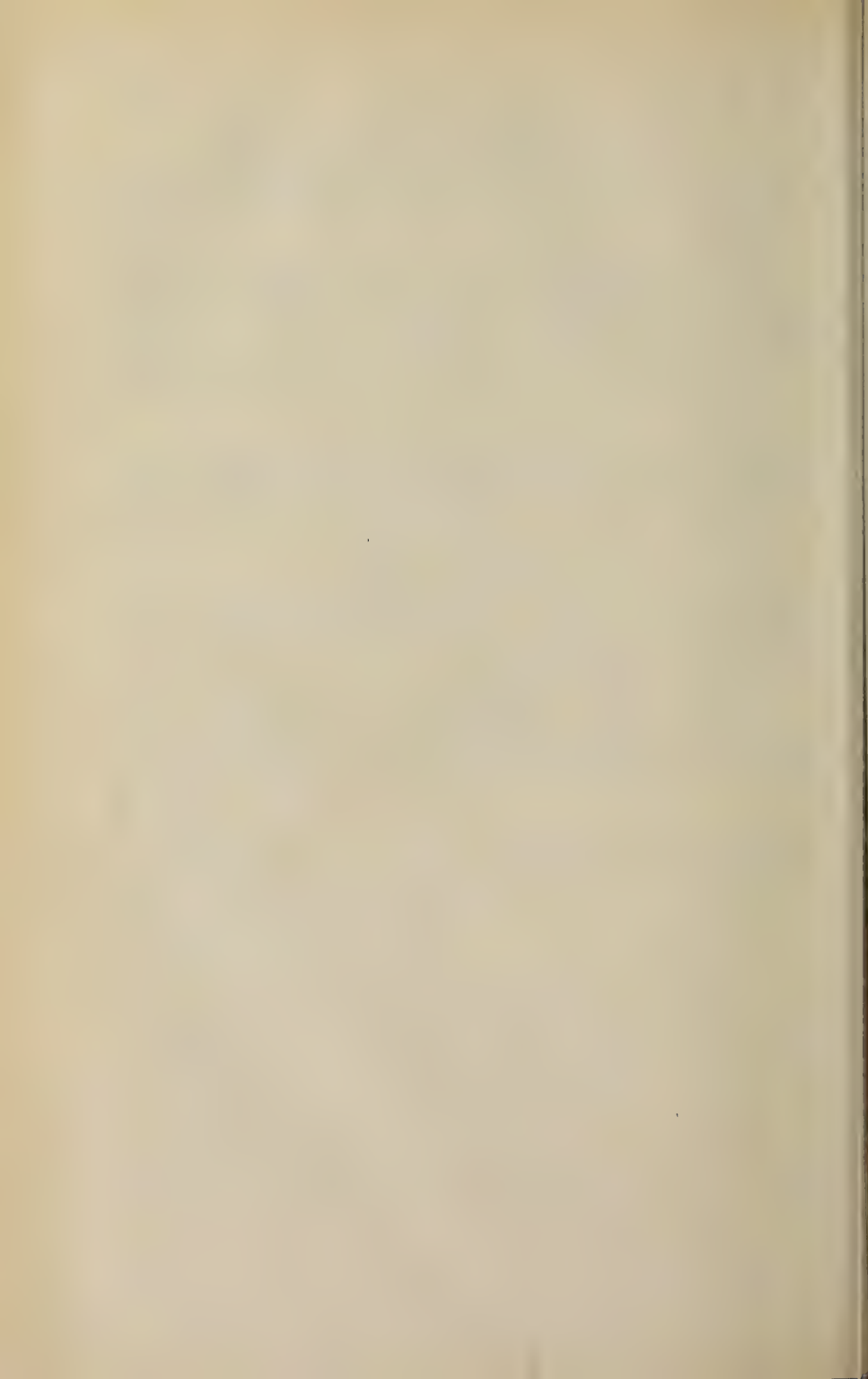
Senate Bill No. 31

And reports the same correctly engrossed.

RICH, Chairman

ADJOURNMENT

At 10.10 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., January 15, 1942.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, January 15, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. G. Hitchcock, Chairman State Highway Commission, Councilman John A. Tedford, and Capt. Clarendon W. Anderson, all of Santa Rosa.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 41
Assembly Bill No. 42
Assembly Bill No. 43
Assembly Bill No. 44
Assembly Bill No. 45

Assembly Bill No. 46
Assembly Bill No. 47
Assembly Bill No. 48
Assembly Bill No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 42—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 45—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Without reference to committee.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bills Nos. 41, 42, 43, 44, 45, 46, 47, 48 and 49 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Ward—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 45

Assembly Bill No. 45—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Motion to Re-refer Assembly Bill No. 45

Senator Breed moved that Assembly Bill No. 45 be re-referred to Committee on Rules.

Motion carried.

CONSIDERATION OF ASSEMBLY BILL NO. 46

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride,

McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 47

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 48

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—27.

NOES—None.

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—Carter—1.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 49

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Ward—31.

NOES—None.

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 43

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—30.

NOES—None.

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—31.

NOES—Senators Carter, and Quinn—2.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 42

Assembly Bill No. 42—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the

Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—31.

NOES—None.

Assembly Bill No. 42—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 41

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—None.

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time:

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL NO. 44

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swing, Tickle, and Ward—32.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 11

Assembly Joint Resolution No. 14

Has had the same under consideration and reports the same back with the recommendation that the whole Senate consider the same.

RICH, Chairman

Above reported resolutions placed on file.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Bill No. 32

Assembly Bill No. 18

Assembly Bill No. 34

Assembly Bill No. 33

Has had the same under consideration and has come to the conclusion that they are included within the Governor's Proclamation convening the Legislature, and recommends that they be re-referred to the Committee on Finance.

RICH, Chairman

Above reported bills re-referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly respectfully requests that the Senate return Assembly Concurrent Resolution No. 21 to this body for further action.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

MOTION

Senator Rich moved that Assembly Concurrent Resolution No. 21 be returned to the Assembly for further action.

Motion carried.

COMMUNICATIONS

The following communications were received and read, and on motion of Senator Swing, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 15, 1942

*Honorable Ralph E. Swing, Senate Chamber
State Capitol, Sacramento, California*

SUBJECT: Scope of Item 2 of the Special Session Proclamation

DEAR SENATOR: I have given careful consideration to the several questions propounded in your letter of January 14th and am pleased to respond to the best of my ability. I am taking them up in the order in which propounded.

Question No. 1. "Was it not the duty of the Governor when making his call to specify the subject for legislation in as clear and definite language as possible and to limit legislation to that particular subject?"

Answer: It is the function of the Governor in his Proclamation to specify the "subject."

As in any document, the greater the clarity and definiteness of description of the subject, the greater the facility of its interpretation and application.

Once the "subject" is ascertained, it is the Constitution that limits the Legislature to action on that subject.

Question No. 2. "Under the decision of *People vs. Curry*, 130 Cal. 82, did it not become his duty to exert every effort to so word his Proclamation that the session would be as short as possible in order to diminish the expense of the special session?"

Answer: In that case the Supreme Court said the purpose of the Constitution (in limiting special session legislation to subjects specified) "was to regulate the duration of such session, and thus diminish expenses."

Question No. 3. "There are now pending before the Senate some 10 or more bills making appropriations to specific funds or departments rather than to the Emergency Fund. Is it not true that viewed in the light of Section 24, Article IV of the Constitution these bills each relate to a separate subject?"

Answer: Within the meaning of Section 24, each bill is on its own subject, indicated in its title.

One bill may be on a subject narrowly defined; another broadly defined. Yet, there may be a subject recognizable as such under said Section 24) broad enough legally to cover and comprehend what both the bills (or larger group of bills) propose to do.

For example, in 1893, the Assembly had before it 30 bills severally dealing with various phases of county government. The Assembly took one that had a broad title, expanded it into a complete and comprehensive County Government Act (237 sections, 167 pages) and struck the other 29 from the file. This remaining bill passed, became law and was upheld by the court (*Hale vs. McGettigan*, 114 Cal. 112).

Conceivably, the 10 or more bills mentioned in Question No. 3 could be each on a separate subject (as restricted by their respective titles), yet they might have a common factor which would make it possible to throw them into a single bill on a single (broader) subject, all within the call.

Question No. 4. "Is it not true that all the items mentioned in the Budget Bill of 1941, whereby appropriations are made to the various departments for the support of the State Government, are subject to the provisions of Section 6 of the Budget Act and of the Political Code provisions relating thereto, and that any funds directly appropriated by the Legislature to said items or funds would be subject to the same restrictions and conditions?"

Answer: It appears that all of said items (except the Emergency Fund item) are subject to said Section 6, which is a prohibition against expenditure of more than one half of the item during the first fiscal year of the biennium unless expressly authorized by the Budget Act or by the State Board of Control.

All of said items, including the Emergency Fund item (except Items 21, 22, 23, and possibly a few others) are subject to Section 677.5 of the Political Code, which lays down regulations for a Fiscal Year Budget.

Expenditures under most of said items, including the Emergency Fund item, are subject also to such audit and fiscal control requirements as are prescribed in such sections as 433, 440 and 669 of the Political Code.

Moneys directly appropriated to any of said items, in augmentation thereof, would be subject to the same Political Code restrictions as the particular item itself unless negated by the Special Appropriation Act itself.

Moneys transferred to such an item from the Emergency Fund, by order of the Director of Finance, would also be subject to all the Political Code restrictions applicable to that item.

Question No. 5. "Is it not true that if the Legislature makes an appropriation to the Emergency Fund as recommended by the Governor in paragraph 2 of his Proclamation, such funds would become immediately available for allocation by the Director of Finance to meet the various emergencies now existing, and would not such allocations be free from the restrictions set out in Section 6 of the act as well as the Political Code provisions?"

Answer: Moneys thus appropriated to and in augmentation of the Emergency Fund specified in Item 216 become immediately available for allocation by the Director of Finance for support of State governmental functions established by law.

But when it comes to spending the allocated moneys all of the Political Code budgeting and fiscal control features come into play and must be observed. (See Section 5 of the Budget Act of 1941, from which the Emergency Fund is not exempt.) That is our view of the law, that has been our uniform experience over all the years in the conduct of this office, and we are informed that is the uniform, established practice.

The same is true, no more and no less, of moneys made available by any Special Appropriation Act unless the act itself makes express exemption therefrom or additions thereto.

Question No. 6. "If the various bills now pending in the Senate seeking to make direct appropriations to specific funds are not within the call, would it not follow that such bills would be void and the appropriation sought be made ineffectual?"

Answer: Yes, if these bills are not within the call, they would be ineffectual; unless one or more of them have separable provisions, some within and some without the call, in which case those provisions within the call would become law.

Question No. 7. "In view of the situation confronting us, is it not your opinion that it would be safer and more expeditious for the Legislature to make an appropriation to the Emergency Fund as recommended by the Governor rather than to circumvent his request and attempt to make direct appropriations in the manner proposed by the various pending bills above referred to?"

Answer: Concerning the legal situation, my conclusions, and the steps by which I reach them, are set forth in the attached memorandum of opinion of January 6, 1942, on subjects specified in Item 2. These conclusions are that the Legislature, in legislating on the subject specified in Item 2 of the Proclamation, may:

(1) appropriate a designated sum of money "to the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, and in augmentation thereof, to be expended as provided therein during the Ninety-third and Ninety-fourth Fiscal Years."

(2) the same as paragraph (1), above, plus the following:

"No money appropriated to the Emergency Fund by this act shall be transferred to or made available for expenditure, directly or indirectly, under the provisions of" some certain designated statute or statutes.

(3) the same as paragraph (1), above, plus the following:

"Of the sum appropriated by this act, not less than-----dollars, if and when expended, shall be expended only for the support, maintenance, operation, and equipment of" some certain designated department or agency.

(4) appropriate to the Emergency Fund a specific amount of money, with this qualification:

"This sum shall be made available by the Director of Finance for the use of and expenditure by" a certain designated State department or agency "for the support" of the same, or for the carrying out of a designated function of the same.

(5) appropriate directly for the support of a particular designated State department.

This is as I viewed it when I wrote the attached memorandum of January 6, 1942, and as I now view it.

In the interim you have requested me to give consideration to certain points. These points I have given careful consideration. They do not lead me to different conclusions, for the reasons stated in the attached memorandum of January 15, 1942.

With reference further to this question, I have indicated my opinion as to the various forms in which I believe an appropriation may be made under Item 2.

I deem each of the five forms above listed valid and safe from a legal standpoint.

Very truly yours,

FRED B. WOOD, Legislative Counsel

MEMORANDUM IN RE: Subjects Specified in Item 2 of Proclamation of December 16, 1941, convening California Legislature in Extraordinary Session

Question: What is the scope of Item 2 of the Proclamation by which the Legislature of California was convened in extraordinary session commencing December 19, 1941?

For example, could the Legislature, under this item, consider and pass a bill appropriating money for the support of a particular State department or for the carrying out of a specified function of that department?

Is the Legislature, or is it not, limited to appropriating money in augmentation of the "Emergency Fund" without any such specific designation or setting apart?

In either case, may the money, when appropriated, be expended for the performance of a function or the accomplishment of a purpose not already provided for by existing provisions of law? That is, are Emergency Fund moneys available for expenditure for any purpose or function not sanctioned or provided for by other provisions of law, and does this Item 2 permit the Legislature to create new functions or establish new purposes for which State moneys may be expended?

The problem is that of ascertaining what "subjects" this item specifies.

The Governor has express authority to convene the Legislature in extraordinary session. This he does "by Proclamation, stating the purposes for which he has convened it."

"When so convened" the Legislature shall have "no power to legislate on any subjects other than those specified in the Proclamation," except to make provision for the expenses of the session and matters incidental thereto. (Art. V, Sec. 9.)

What is the subject, or what are the subjects, specified in Item 2? It reads as follows:

"To consider and act upon legislation augmenting the appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941."

What is the "Emergency Fund" thus specified? It is defined by said Item 216, which reads as follows:

"For Emergency Fund, exempt from Section 6 of this act, to be expended only on written authorization of the State Department of Finance for emergencies; provided, that loans may be made from the Emergency Fund to State agencies which derive funds from sources other than the General Fund upon such terms and conditions for repayment as may be prescribed by the State Department of Finance. \$1,000,000.00

Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law."

The gist of this is that this is a fund the moneys in which are available for expenditure in "contingencies for which no appropriation, or insufficient appropriation, has been made by law."

We think the "contingency" must necessarily be one in relation to which the law, some law, has made provision whereby it is a State governmental purpose for the accomplishments of which State moneys may legally be expended. If not, there is involved an illegal delegation of legislative power to the Director of Finance to expand the functions of the State Government beyond all bounds.

Emphatically so, in view of the express constitutional mandate that "no money shall be drawn from the Treasury but in consequence of appropriation made by law." (Art. IV, Sec. 22.)

Then, too, we must not lose sight of the fact that Item 216 of the Budget Act is one of a series of items or clauses each of which depends upon an introductory clause which precedes them and colors each. This clause reads as follows:

"The following sums of money * * * are hereby appropriated for the use and support of the State of California * * *." (Sec. 2.)

In addition, the title of the Budget Act of 1941 declares that it is

"An act making appropriations for the support of the Government of the State of California and for the several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution * * *."

All this is quite inconsistent with the idea that the Legislature in passing, or the Governor in signing, the Budget Act of 1941 intended, through Item 216, to clothe the Director of Finance with power to authorize the expenditure of State money for the exercise of any function or the carrying out of any purpose not established by law as a State governmental function or purpose.

This line of reasoning is supported by the reasoning of the Supreme Court in *Londonwatt vs. Riber* (1934), 220 Cal. 340, in which the court was construing and applying the provisions of the Emergency Fund item of the Budget Act of 1933. As to the purpose and function of the Emergency Fund, the court made these observations:

"The inclusion of a substantial sum in each appropriation bill enacted in the last 25 years and specially designated 'for Emergency Fund' was undoubtedly with the idea in mind that it would in all probability eventuate that an appropriation for a particular department or purpose would be insufficient, or that a necessary public purpose for which no appropriation had been made would have to be provided for prior to the enactment of the next Budget Bill." (220 Cal. 340, at p. 346.)

"When allowances have been made from the Emergency Fund to supplement the appropriation made by the appropriation bill to a State department for maintenance and support, which appropriation was found by the fiscal agencies of the State to be insufficient, such allowance from the Emergency Fund has been expended by such departments the same to all intents and purposes as if the supplemental allowance had been made a part of the regular appropriation for said departments.

"The establishment and distribution of an Emergency Fund under this plan and procedure was no doubt in recognition of the fact that without such a method of balancing the funds required for the several departments of the State and for other State agencies and purposes, the appropriations under the old plan were inflexible and the new plan was intended, at least in part, to avoid the enactment of separate and independent contingent expense bills and appropriations found necessary under the old system." (*Same*, p. 346.)

"It has been the practice in this State for many years for the Legislature to include a similar provision in the general appropriation acts, thus providing for the payment of emergency claims against the State and its activities,

rather than subject the departments of the State and its offices to embarrassment in the administration of the State's business, and put claimants to the annoyance and uncertainty of having to depend upon subsequent Legislatures for reimbursement for services and supplies furnished." (*Same*, p. 347.)

When money is thus set aside "for Emergency Fund," it "becomes part of the funds set aside for the proper functioning of the State Government and its several departments, offices and purposes." (*Same*, p. 349.)

The Department of Finance has the power to determine the existence of an emergency and order the transfer of money from the Emergency Fund "for a necessary and proper State purpose when no specific appropriation has been made therefor, or when a specific appropriation has been made to a State department, office or purpose and the same has been found insufficient." (*Same*, p. 354.)

It would seem to follow that the "subject" specified in Item 2 of the Proclamation is the appropriation of money for the support of the State functions and the carrying out of State purposes (regularly established by other provisions of law) for which no appropriation or insufficient appropriation has been made by law.

Next comes the question whether or not in legislating on this subject the Legislature must do so precisely in the form and manner indicated in Item 2 (simply appropriating to the Emergency Fund in augmentation of the moneys now in it) or whether it may appropriate for one or more but not all of the purposes embraced within that subject.

The wording of the Constitution is significant in this connection. It says that the Governor shall state the "purposes for which he has convened" the Legislature, and that when convened it "shall have no power to legislate on any subjects other than those specified in the Proclamation." Here is no requirement that it legislate in a particular manner. The sole limitation is that the Legislature shall not legislate "on any subjects other than those specified." Other than that there is expressed no limitation upon any of the powers of the Legislature. Save only for this one limitation it would appear that the Legislature at an extraordinary session has and may exercise all of the powers which it has at a regular session.

Just as at a regular session, bills originate in either house, are subject to amendment in either house and when finally passed by the two houses go to the Governor for his approval or veto. In the process, the details of a bill, it would seem, are subject to change at a special session to the same extent as at a regular session so long as it is upon and within a subject specified in the Proclamation.

A question similar to this one arose in California at the second extra legislative session held in 1910. The Governor in his Proclamation called upon the Legislature to consider and act upon a resolution "proposing an amendment to the Constitution of the State of California to be known as Senate Constitutional Amendment No. 1, to be submitted to the people of the State of California for approval and ratification in the words and figures following, to wit:—Next following which he set forth the complete text of the proposal. Such a measure was then introduced in the Senate. Certain amendments to the measure were offered. The President of the Senate ruled that they were out of order on the ground that under the call of the Governor convening the session no amendment was in order except what was specifically referred to in the call. From that ruling an appeal was taken and the decision of the Chair was affirmed. Subsequently, the Senate Judiciary Committee was requested to further investigate the question whether or not the Legislature could "under the law amend in any respect within the subject therein embraced Senate Constitutional Amendment No. 1, as set forth in words and figures in the Proclamation of the Governor convening this extraordinary session." The committee reported that it had considered this question and was of the opinion "that such question should be answered in the affirmative."

Meanwhile, the Senate had passed the measure and the Assembly had adopted it with certain amendments. When the latter came before the Senate for concurrence the same question was raised as before. This time the ruling was that the amendments were allowable. The presiding officer of the Senate, in making this ruling, recited the foregoing facts and made this additional statement:

"The Senate Judiciary Committee met and listened to an argument by the Attorney General of the State, and their attention was called, for the first time, to two decisions rendered in the State of Colorado by the Supreme Court of that State. The first being entitled *In re Governor's Proclamation*, reported in 35 Pacific Reporter, page 530, and the second being entitled *People ex rel. McGaffney vs. District Court of Arapahoe County et al.*, reported in 46 Pacific Reporter, page 681.

"The Attorney General of the State gave as his opinion that these decisions were applicable to the situation now confronting the Legislature of the State of California convened under extraordinary session, and upon being put to a vote of 11 to 1, the Judiciary Committee decided that in their opinion 'the Legislature can, under the law, amend in any respect within the subject therein embraced, Senate Constitutional Amendment No. 1, as set

forth in words and figures in the Proclamation of the Governor convening this extraordinary session."

"In view of this report, and in view of the fact that, at the time the President of the Senate made his ruling on the point of order raised against the amendment introduced by Senator Caminetti, that the Senate had not the benefit of the Colorado decisions referred to, before them, and in view of said decisions and the opinion of the Attorney General, the President now rules that the point of order raised by Senator Willis is not well taken." (Senate Journal, Second Extraordinary Session, 1910; p. 62.)

That constitutional amendment was ratified by the people, and set up a tax system which obtained from 1911 until the Tax Amendment of 1933. In all of the cases which during that period construed and applied the provisions of that amendment, the point here under discussion was not raised or considered, so far as we are aware.

This is persuasive of the validity in California of the principle of law enunciated by the Colorado court and relied upon by our Attorney General and by our Senate when the latter concurred in the Assembly amendments at the Special Session of 1910.

That principle was enunciated by the Colorado court in these words:

"It is true, Section 9 (of Article 4 of the Colorado Constitution) requires that the business to be transacted at the special session shall be specially named; but it does not require that such business shall be definitely and particularly prescribed, in all its details, by Executive Proclamation.

"Legislative judgment and discretion as to the transaction of the business specially named are certainly not inhibited at special sessions.

"The Legislature can not go beyond the limits of the business specially named in the Proclamation, nor can it legislate upon business not named in the Proclamation; but within the limits of such business it may act freely, in whole or in part, or not at all, as may be deemed expedient, according to its own judgment.

"The Legislature must do this much, or the right of legislating by the representatives of a free people at a special session is destroyed, and all our ideas of such rights are rendered obsolete." (*In re Governor's Proclamation*, 35 Pac. 530, at 531.)

In applying that principle the problem was that of ascertaining the "subject-matter of legislation" specially named in the Proclamation. The item construed read as follows:

"To amend the attachment laws of the State by striking out the tenth, eleventh and thirteenth causes of attachment; such amendment to take effect only on contracts made after this enactment becomes law."

This, said the court, had reference to Section 92 of the code, certain causes of attachment in courts of record.

But the Legislature passed a bill eliminating the seventh, eighth, and tenth causes of attachment in Section 77 of the Justice's Act, which corresponded substantially to the designated clauses of Section 92 in relation to courts of record.

The court held that "the subject-matter of legislation includes, in substance, the Justice's Act, as well as the Act Governing Courts of Record" (35 Pac. 531-32); that it would be a narrow construction to hold that the Legislature may amend the laws applicable to certain causes of attachment in courts of record, but that like causes of attachment in justice's courts can not be amended under the Proclamation; and that the provision in the Proclamation limiting the amendment to contracts made after the bill's enactment was an unwarranted restriction upon legislative power and discretion.

In the other Colorado case, the item involved read as follows:

"To enact that the law in relation to elections, etc., in this State, known as the Australian Ballot Law, be amended so as to provide:"

Then followed several paragraphs specifying various features of that law, and precisely what to do about each.

The Legislature acted upon certain other features of the Australian Ballot Law, and in various respects deviated from the Governor's particularized specifications, which action the court upheld.

The subject specified in this clause of the Proclamation was "the whole subject-matter of such act," the Australian Ballot Law. The court said that the Governor had

"No more authority to go further than this, and specify the particular character of the amendments to be voted upon, than he would have had to have prepared the bills, and attach them to his call, and directed the Legislature to have passed or rejected the same, without amendment.

"Such specific instructions can, at best, be regarded as advisory only, and not as limiting the character of legislation that might be had upon the general subject of the Australian Ballot Law." (*People vs. Dist. Court*, Colo., 46 Pac. 681.)

This is the prevailing rule applied, and process of reasoning followed, by the courts of the several States, as we read their decisions. What is the "subject" specified? Is the particular bill on or within that subject? If so, the inquiry is at an end. The Legislature may act upon the entire subject, or some part of it, or not at all. If it acts on or within the subject, the manner and form of incidents and details are a matter of legislative discretion.

If this proves to be a correct statement of the rule, it would seem to follow that the Legislature, under Item 2 of the Proclamation of December 16, 1941, may do any of the following:

(1) appropriate a designated sum of money "to the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, and in augmentation thereof, to be expended as provided therein during the Ninety-third and Ninety-fourth Fiscal Years."

(2) the same as paragraph (1), above, plus the following:

"No money appropriated to the Emergency Fund by this act shall be transferred to or made available for expenditure, directly or indirectly, under the provisions of" some certain designated statute or statutes.

(3) the same as paragraph (1), above, plus the following: "of the sum appropriated by this act, not less than ----- dollars, if and when expended, shall be expended only for the support, maintenance, operation, and equipment of" some certain designated department or agency.

(4) appropriate to the Emergency Fund a specific amount of money, with this qualification:

"This sum shall be made available by the Director of Finance for the use of and expenditure by" a certain designated State department or agency "for the support" of the same, or for the carrying out of a designated function of the same.

If these can be done, it would seem but a matter of form (in ear-marking for a given department or function), whether the money is routed through the Emergency Fund or is appropriated directly "for the support" of the particular department.

We do not think the Legislature, under Item 2, in making an appropriation to meet a "contingency for which no appropriation, or insufficient appropriation, has been made by law," is required to commit to the Department of Finance the determination of the existence of the contingency or the amount of money required to meet it. That would seem to be an incident or phase of the "subject" in respect to which the Legislature may exercise its discretion. Many months have elapsed since the Emergency Fund was set up. Certain events have occurred since then. It would seem as if the Legislature inherently has the constitutional power to appraise those events and make a determination as to the present needs of the various State agencies, in view of the changed conditions.

Whatever form an appropriation bill takes under Item 2, it can not of itself create new purposes of expenditure. It is limited to the appropriation of money for the support of Governmental agencies and the performances of functions set up and established, by other provisions of law, as proper purposes of the appropriation and expenditure of State moneys.

FRED B. WOOD, Legislative Counsel

List of Decisions in Other States Construing Special Session Proclamations and the Scope of Legislative Action Permitted Thereunder

The Constitutions of most, if not all, of the States expressly authorize the Governor to convene the Legislature in extraordinary session.

In most of these States the Constitution limits the Legislature, at such a session, to the consideration of legislation upon subjects specified in the Proclamation by which the session is convened, or (in some States) in a Supplemental Proclamation or message.

This limitation is expressed in various forms, in many cases quite comparable to that expressed in Section 9 of Article V of the California Constitution.

The persuasiveness of the decisions in a particular State would, of course, depend upon the similarity of that State's constitutional limitation to the limitation expressed in Section 9 of Article V of the California Constitution.

In this list, which is believed to be fairly exhaustive, the decisions are arranged by States.

Alabama—(Art. V, Sec. 122.)

Opinion of the Justices (1936), 171 So. 902.

Opinion of the Justices, 166 So. 710.

Arizona—(Art. IV, Sec. 2 (3).)

McClintock vs. City of Phoenix (1922), 24 Ariz. 155, 207 P 611.

Arkansas—(Art. VI, Sec. 19.)

Jones vs. State (1922), 242 S. W. 377.*Road Improvement District No. 16 vs. Sale* (1922), 154 Ark. 551, 243 S. W. 825.*State Board vs. Atty. Gen.* (1932), 54 S. W. (2d) 686.*Arkansas State Highway Commission vs. Dodge* (1932), 186 Ark. 640, 55 S. W. (2d) 71.*Crawford Co. Levee Dist. vs. Cazort, et al.* (1935), 190 Ark. 257, 78 S. W. (2d) 378.*Pope vs. Oliver* (1938), 117 S. W. (2d) 1072.*McCarroll vs. Clyde Collins Liquors*, 132 S. W. (2d) 19.*Sebastian Bridge District vs. Lynch* (1940), 138 S. W. (2d) 81.*Burton vs. Harris* (1941), 152 S. W. (2d) 529.

Colorado—(Art. IV, Sec. 9.)

People vs. District Court (1896), 46 Pac. 681.*In re Governor's Proclamation* (1894), 35 Pac. 530.

Kentucky—(Sec. 80.)

Talbott vs. Jones (1935), 258 Ky. 449, 80 S. W. (2d) 566.*Richmond vs. Loy* (1935), 261 Ky. 138, 87 S. W. (2d) 134.*Trenton Graded School District vs. Board of Education* (1939), 278 Ky. 607, 129 S. W. (2d) 143.

Montana—(Art. VII, Sec. 11.)

State ex rel Anaconda Copper Mining Co. vs. Clancy (1904), 30 Mont. 529; 77 Pac. 312.*Blackford vs. Judith Basin County* (1940), 98 P. (2d) 872.

Michigan—(Art. VI, Sec. 7.)

Smith vs. Curran, 256 N. W. 453.

Missouri—(Art. IV, Sec. 55.)

Stock vs. Edicards (1922), 244 S. W. 802.*Schlaflly vs. Baumann* (1937), ---- Mo. ----; 108 S. W. (2d) 363.

Oklahoma—(Art. VI, Sec. 7.)

Kemp vs. State (1926), 35 Ok. Or. 128, 248 Pac. 1116.

Pennsylvania—(Art. III, Sec. 25.)

Fayette County vs. County Commissioners (1908), 35 Pa. C. C. 401.*In re Likens* (1909), 72 Atl. 858 and 862.*Commonwealth vs. Liveright* (1932), 308 Pa. 35, 161 Atl. 697.*Chester County Institution Dist. vs. Commonwealth* (1941), 17 A. (2d) 212.

Tennessee—(Art. III, Sec. 9.)

Mitchell vs. The Franklin & Columbia Turnpike Company (1842), 3 Humphrey's 456, 22 Tenn. 344.*Decereau vs. City of Brownsville* (1887), 29 Fed. 742.*Hyde vs. State* (1915), 131 Tenn. 208, 174 S. W. 1127.*Columbia & Pulaski Turnpike Co. vs. Hughes* (1915), 131 Tenn. 267, 174 S. W. 1108.

Texas—(Art. III, Sec. 40.)

Baldwin vs. State (1886), 3 S. W. 109.*Stockard vs. Reid* (1909), 121 S. W. 1144, 57 Tex. Civ. App. 126.*Long vs. State* (1910), 58 Tex. Cr. R. 209, 127 S. W. 208.

West Virginia—(Art. VII, Sec. 7.)

State Road Comm. of W. Va. vs. W. Va. Bridge Comm. (1932), 112 W. Va. 514, 166 S. E. 11.*Bedford Corporation vs. Price* (1932), 112 W. Va. 674, 166 S. E. 380.

Wisconsin—(Art. IV, Sec. 11.)

Van Dyke's Appeal (1935), 217 Wis. 528, 259 N. W. 700.

SACRAMENTO, CALIFORNIA, January 15, 1942

SUPPLEMENTAL MEMORANDUM IN RE: Subjects Specified in Item 2

Certain points were brought to our attention subsequent to our memorandum of opinion of January 6, 1942, on this subject. We have given these points careful consideration. They do not lead us to a conclusion different from that formerly expressed.

We here summarize these points and our views concerning them.

1. The statement in *People vs. Curry*, 130 Cal. 82, that the purpose of giving the Governor power "to specify subjects" is to regulate the duration of a special session and thus diminish expenses, seems not to throw great light upon the problem of interpreting a particular clause in a Proclamation.

Equal consideration must be given to the constitutional power of the Legislature "to legislate." This power it has at a special session, just as at a regular session, save that the power must be exercised "on subjects specified."

2. If, as suggested, the subject of Item 2 literally is "augmenting the Emergency Fund" (no more, no less), then the legislative power is impinged upon. For then if the Legislature acts at all, it must cover the whole of the subject and make money available for all of the varied State governmental purposes, leaving to the Department of Finance the allocation of this, that or the other amount to this, that or the other purpose. It seems to us that if in such a bill the Legislature limits the purposes for which the money may be spent it is acting within, not without, the limits of the subject.

3. As concerns the limitations to be inferred from the Budgetary Plan set forth in Section 34 of Article IV of the Constitution, and but one Budget Bill per biennium, we think the answer is furnished by Section 34 itself. It recognizes the Special Appropriation Bill by holding up its consideration until enactment of the Budget, unless sooner permitted by the Governor, and by limiting it to a single item of appropriation. Then, too, a straight-out augmentation of the Emergency Fund without any express limitations as to purposes (of which there have been a number heretofore) is itself in the nature of an unbudgeted Budget Bill.

4. As to a differentiation between the Emergency Fund upon the one hand and other Budget Act items and special appropriations upon the other, predicated upon applicability of certain fiscal control provisions of the Political Code to the latter and inapplicability to the former, it is our understanding that such provisions are equally applicable to both groups. For example, Section 5 of the 1941 Budget Act subjects all appropriations in that act to Section 677.5 of the Political Code, and the general run of items in that act (including Item 216) make no exemptions therefrom. The only differentiation that we see is the exemption of Item 216 from Section 6 of the Budget Act, which limits expenditures to 50 per cent during the first fiscal year. But when an allocation is made from the Emergency Fund to a particular fund or support item the regular budgetary and fiscal controls attach and apply to its expenditure from that point on.

5. We concur in the thesis that the purposes specified in a special session Proclamation must be sufficiently specific to constitute "subjects," and we believe that this one is a subject,—the matter of appropriating for the support of the Government of the State, where no appropriation or insufficient appropriation has been made by law.

That seems to us as much a subject as the act of March 14, 1883, which set up the entire scheme of government for the counties of the State, held to be in compliance with the single subject requirements of Section 24 of Article IV of the Constitution, in *Longan vs. County of Solano*, 65 Cal. 122.

When it comes to bills on that subject, one might be on the whole of it (simply augmenting the Emergency Fund); one might be on a small part of it (limited to support of a particular department); one might be on a different part of the subject; and so on. The number of separate bills on various small parts of the subject specified, do not relate back and split the call up into a multiplicity of subjects.

6. Some confusion inheres in the use of the word "emergency." But by definition Item 216 of the Budget Act characterizes it as a contingency for which no appropriation, or insufficient appropriation, has been made.

In meeting such a situation, it seems to us it is a proper exercise of legislative discretion to consider and decide whether to meet it by a single bill limited only to the support of the State Government, or by a series of bills severally limited to particular purposes within that field, or by several bills of each kind.

7. The fact, too, that a given department may not yet have spent all the money appropriated for its use this biennium, is not conclusive of the further fact that insufficient money was appropriated. Present funds presumably are encumbered (advisedly so) for its normal needs, and facts may already have occurred which demonstrate additional needs. Why a direct appropriation now is not as competent a method of meeting that situation as is that of making the same estimate of need but lumping the money in the Emergency Fund, we do not see. We think either method is "on the subject specified."

FRED B. WOOD, Legislative Counsel

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

PALO ALTO, CALIFORNIA, January 15, 1942

*State Senate, Care Ellis Patterson, Lieutenant Governor
State Capitol*

California Congress of Parents and Teachers urges that sufficient appropriations be given to the Departments of Health and Social Welfare to meet increased needs during emergency.

MRS. E. K. STRONG, President

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 33: By Senator Collier—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for expenditure in connection with the Klamath River Highway, to take effect immediately.

Without reference to committee.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 11

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old-age assistance.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 12:40 p.m., on motion of Senator Rich, the Senate recessed until 4 p.m.

REASSEMBLED

At 4 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

LONG BEACH, CALIFORNIA, January 15, 1942

Lieutenant Governor Ellis Patterson

Urgently request that legislation be passed making it possible to provide Long Beach sufficient moneys for necessary equipment, material and personnel to adequately carry out our part of the State defense program.

CARL R. ERICKSON, City Manager

VOLUNTARY BOROUGH BOARD, INC., and
HOLLENBECK BOROUGH VOLUNTARY BOARD
LOS ANGELES, CALIFORNIA

*To the Hon. President of the Senate
Sacramento, California*

GREETINGS: Anent the matter of establishing a State Guard, by unanimous vote of above mentioned boards I was directed to acquaint the Governor and the Legislature of the opinions of the members of said boards, i.e.

- (1) The need for such Guard is, under the present conditions, self-evident;
- (2) The Guard should be an effective Military body affiliated with the National Military or be under its direction and hence should consist of 10,000 to 20,000 or more thousands;
- (3) When Guardsmen are actually practicing, their expenses should be paid by the State and then when in actual service the remuneration should be commensurate to the service rendered, the scale being not less than men in National service nor yet more than is paid at the present time;
- (4) In organization the National plan must be followed but officers should not be paid extravagant salaries when compared with the common soldier;
- (5) Our boards believe that the Federal Government should not only pay one-half of the total cost of the State Guard but a larger share during the present emergency since California in a particular sense becomes a stronghold with a State Guard under the current war conditions, and thus a special defender of our National liberties.

We should work and even sacrifice material things to retain and establish Freedom over the whole earth at the earliest possible time.

With our constant hope that all things shall be done with good but regulated speed, we are as ever,

Yours very sincerely,

L. H. KEPSEL, Secretary-Manager

Please to refer to proper committee or to Senate as a whole.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 35

Assembly Bill No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 21

Assembly Concurrent Resolution No. 22

Assembly Joint Resolution No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Without reference to committee.

Assembly Concurrent Resolution No. 22—Relative to the purchase of defense bonds by public officers and public employees.

Without reference to committee.

Assembly Joint Resolution No. 21—Relative to manpower, production and the war.

Without reference to committee.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Mayo:

Resolved, That Assembly Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Article IV, Section 15 of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 36

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 18

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 34

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 33

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 30—An act making an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Kenny, Kuchel,

Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Swan moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, between lines 8 and 9, insert
 "No apportionments from State funds based upon average daily attendance in such special day or evening classes shall be made where the total cost of the classes is borne by the Federal Government, or any agency thereof. Where the total cost of such classes exceeds the amount borne by the Federal Government, or any agency thereof, the average daily attendance of pupils upon classes conducted pursuant to this section shall be computed to the extent necessary to recompense the district for the balance of the sum expended in the conduct of such classes."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to add Section 2.1429 to, and".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out the comma after "of".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 1 to 13, inclusive, and insert

"SECTION 1. School Code Section 3.223 is hereby amended to".

Amendment No. 4

On page 2, line 14, of the printed bill, as amended, strike out "SEC. 4", and insert "SEC. 2".

Amendment No. 5

On page 2, line 35, of the printed bill, as amended, strike out "5", and insert "3".

Amendment No. 6

On page 3, line 1, of the printed bill, as amended, strike out "6", and insert "4".

Amendment No. 7

On page 3, line 22, of the printed bill, as amended, strike out "SEC. 7", and insert "SEC. 5".

Amendment No. 8

On page 3, line 40, of the printed bill, as amended, strike out "8", and insert "6".

Amendment No. 9

On page 4, line 3, of the printed bill, as amended, strike out "9", and insert "7".

Amendments read and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 21

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 21

Assembly Joint Resolution No. 21—Relative to manpower, production and the war.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 22

Assembly Concurrent Resolution No. 22—Relative to purchase of defense bonds by public officers and public employees.

Resolution read.

Motion to Table

Senator McCormack moved that the above resolution be laid on the table.

Motion carried.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolutions were offered:

Senate Joint Resolution No. 9: By Senators Crittenden, Cunningham, Deuel, Fletcher, Kenny, Rich, Metzger, Swan, McCormack and Gordon—Relative to flood control on the Sacramento River.

Without reference to committee.

Senate Joint Resolution No. 10: By Senators Kuchel, Breed and Kenny—Relative to protection of National defense industries, utilities and facilities.

Without reference to committee.

Senate Joint Resolution No. 11: By Senator Metzger—Relative to the President's Birthday and the March of Dimes.

Request for Unanimous Consent

Senator Metzger asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 11, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 11

Senate Joint Resolution No. 11—Relative to the President's Birthday and the March of Dimes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 15

Assembly Joint Resolution No. 17

Assembly Joint Resolution No. 16

Assembly Joint Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By **H. F. LEWRIGHT**, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 15—Relative to a Continental Defense Force.

Without reference to committee.

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions.

Without reference to committee.

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Without reference to committee.

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 17, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 17

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 33

Senator Rich moved that Senate Bill No. 33 be re-referred to Committee on Finance.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, JANUARY 15, 1942

Members of the Senate and the Assembly of the California Legislature

GREETINGS: In my message to you, delivered at the opening of the present special session, December 19, 1941, I recommended that you appropriate the sum of \$9,250,000 to the regular State Emergency Fund, pointing out that it was impossible at that time, as it is impossible now, to predict all of the State's war emergency needs. However, neither this recommendation nor my recommendation that you appropriate \$17,500,000 for the support of the State Guard has yet been followed. Instead of following the purposes of the call and making an entire appropriation to the Emergency Fund for allotment to meet the requirements of the various departments and divisions of the State Government, you have also, I understand, passed some bills making specific appropriations directly to some of the departments; bills which are of doubtful validity because of the doubt, as a legal proposition, that they are within the scope of the call for this session. However, in addition to such direct appropriations as you may make to the departments, which I understand may total approximately \$5,000,000, there should be a total of \$10,000,000 appropriated to the Emergency Fund. I recommend this in the light of developments since my message to you on December 19th, and also for reasons given in my message to you on that date.

It is apparent now that the State Council of Defense will require several hundred thousand dollars for providing equipment and maintenance of air raid warning posts; that an indefinite amount will be required for maintaining tire rationing and automobile rationing services which the State is now called upon to perform; that additional Emergency Funds will be required by the Maritime Academy; that consideration should be given to any real need of cities and counties for State Emergency Fund aid, by way of furnishing equipment which local governments are unable to supply because of their financial conditions. Other emergency requirements which should be met for public safety will undoubtedly spring up, growing out of war conditions. Prudence and preparedness requires the availability of an adequate Emergency Fund.

A failure to provide an ample and adequate, unrestricted Emergency Fund at this critical period would be a serious obstruction to the State of California in meeting its responsibilities for the protection of the lives and property of its citizens and for the performances of services which all States are called upon to perform in this total war. I therefore urge you, in addition to any direct appropriations

which you may make to the departments or agencies of Government, that you appropriate to the State Emergency Fund a total of \$10,000,000.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 44

Assembly Bill No. 44 - An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

Amend line 1 of the printed bill by striking out "six hundred forty-two thousand"; and line 2 by striking out "three hundred nineteen dollars", and "\$642,319", and inserting "five million dollars (\$5,000,000)".

Amendment read.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 6.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 44

Assembly Bill No. 44--An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read.

Further Consideration of Amendment by Senator Quinn

Motion to Table

Senator DeLap moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Quinn, Garrison and Biggar demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Duell, Fletcher, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Rich, Seawell, Tickle, and Ward—25.

NOES—Senators Carter, Dillinger, Garrison, Jaspersen, Keating, McBride, Quinn, Shelley, Slater, Swan, and Swing—11.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "Six hundred forty-two thousand", and in line 2 strike out the words "Three hundred nineteen dollars" and the

figures "\$642,319" and insert therein "Two million three hundred forty-seven thousand four hundred forty-eight dollars (\$2,347,448)".

Amendment read.

Motion to Table

Senator Rich moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Swing, Quinn and Keating demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Deuel, Fletcher, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, and Ward—20.

NOES—Senators Carter, Cunningham, Dillinger, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—16.

Motion to Table

Senator Swing moved that Assembly Bill No. 44 be laid on the table.

Roll Call Demanded

Senators Swing, Swan and Quinn demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Garrison, Keating, Powers, Quinn, Swan, Swing, and Tickle—7.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, and Ward—30.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Slater, and Ward—29.

NOES—Senators Carter, Garrison, Keating, Powers, Quinn, Shelley, Swan, and Swing—8.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 7.05 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Swan moved that Assembly Joint Resolution No. 14 be placed on the inactive file.

Motion carried.

ADJOURNMENT

At 7.07 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 16, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO,
Friday, January 16, 1942

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Phillips, on motion of Senator DeLap.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. D. Sgarlato of Big Basin, Santa Cruz County.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. and Mrs. T. G. Griffith of Roseville.

On request of Senators Breed and Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman Hubert B. Scudder of Sebastopol.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Hoffman of Stockton.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Robert M. Clarke of Los Angeles.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Gordon, ordered printed in the Journal:

Backward, turn backward,
Oh time in thy flight,
And give us July again
Just for tonight.
We are disgusted
With snow, fog and ice,
Hear our rich warble,
And take our advice.

Turn back the clock,
Till it shows August One,
Give us some dog days,
And give us the sun.
Give us mosquitoes,
And give us flies,
But turn on the heat
Before everyone dies.

By HARRY L. JORDAN
Bookkeeper to the Sergeant-at-Arms

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended:

Senate Concurrent Resolution No. 12
And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 31

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 11.07 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.10 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Joint Resolution No. 18 adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Rich, Seawell, Slater, and Ward—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS**CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 12?

Amendment No. 1

On page 1, line 20, of the printed measure, before the semicolon, insert "and Sections 1390 to 1394 of the Labor Code and Sections 1.170 to 1.184 of the School Code provide for the conditions under, and the hours during, which minors may be employed".

Amendment No. 2

On page 2, line 5, of the printed measure, before the semicolon, insert "and with respect to the conditions under, and the hours during, which minors may be employed".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 12 by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Myhand, Parkman, Powers, Seawell, Slater, Swan, and Ward—21.

NOES—None.

Above resolution ordered enrolled.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was introduced, and read:

Senate Concurrent Resolution No. 14: By Senator Swan—Relative to the death of Justice John Francis Pullen.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 14, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 14

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 9

Senate Joint Resolution No. 10

And reports the same correctly engrossed.

RICH, Chairman

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 11.30 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**MOTION TO STRIKE FROM FILE**

Senator Crittenden moved that Senate Joint Resolution No. 9 be stricken from the file.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: Your Committee on Rules has had under consideration the following communication, to wit:

"To the Honorable Senate Committee on Rules

State Capitol Building, Sacramento, California

Pursuant to the request of the Honorable Senator Breed, and Joseph Nolan, Sergeant-at-Arms, regarding the purchase and installation of a new clock for the Senate Chamber, this office submits the following estimate for your approval.

Clock to be electric operated, equipped with lock switch and resetting device. Estimated cost \$100.

Sincerely yours,

FRANK N. KILLAM, Chief
Bureau Buildings and Grounds
By W. H. EPPERSON, Chief Engineer"

and we recommend that the Secretary and the Sergeant-at-Arms be directed to purchase a new clock for the Senate Chamber.

RICH, Chairman

Report read, and adopted.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Seawell, Slater, Swing, and Ward—28.

NOES—Senators Keating, Powers, and Swan—3.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swing, and Ward—27.

NOES—Senators Judah, Keating, Powers, Shelley, and Swan—5.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.223, 4.721, 4.740, 4.751 and 4.752 of, the School Code, all relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 10—Relative to protection of National defense industries, utilities and facilities.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army and the Los Angeles County flood control authorities to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.23 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

Motion to Refer Bill to Inactive File

Senator Kenny moved that Assembly Concurrent Resolution No. 18 and Assembly Joint Resolution No. 15 be placed on the inactive file.

Motion carried.

RECESS

At 12.25 p.m., on motion of Senator Rich, the Senate recessed until 4 p.m.

REASSEMBLED

At 4 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

EL MONTE, CALIFORNIA, January 15, 1942

*Hon. Ellis Patterson, Lieutenant Governor
State Capitol, Sacramento, California*

At a regular meeting of the Los Angeles County division of the League of California Cities in El Monte, January 15, 1942, I was instructed to advise you of the attitude of representatives from the 45 cities in Los Angeles County as to the necessity for emergency legislation relating to aid to cities in matters of civilian defense. It is firmly believed that cities and counties alone can not finance an adequate defense program and we urge you to assist in securing legislation which will provide State assistance to local governments upon a proper showing of need. The urgency of the situation leads us to request that you give consideration to this problem during the present session of the Legislature.

RAYMOND V. DARBY, President
Los Angeles County Division, League of California Cities

ADJOURNMENT

At 5 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., January 17, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Saturday, January 17, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Phillips, on motion of Senator DeLap.

Senator Dillinger, on motion of Senator Luckey.

REMARKS

Within the sun-kissed Valley of Southern California is the City of Redlands. Surrounded as it is, with the great acreage of citrus fruit, and perfumed with the fragrance of the many flowers that bloom profusely, it is a jewel in its own right. Redlands is indeed fortunate in having among its citizens that generous and lovable character, Mr. Charles M. Brown. Mr. Brown is ever thoughtful and considerate of the rights and pleasures of others. He has often remembered the Senate of California.

Today again during the midst of our legislative battles he has risen to the occasion and presented to us, with his compliments, some of the finest oranges that could be produced any place in the world. He hopes you will enjoy them, and that they will imbue you with new vigor and determination to do such things as may be necessary to aid in perpetuating a democratic form of Government and keeping America free.

RALPH E. SWING

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Concurrent Resolution No. 14

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 14—Relative to death of John Francis Pullen.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 14?

Amendment No. 1

On page 1, line 1, of the printed measure, strike out "November 11", and insert "November 10".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 14 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Quinn, Rich, Seawell, Slater, and Swan—22.

NOES—None.

Above resolution ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 25, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 25

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

And appointed Miss Miller and Messrs. Call and Turner as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Appointment of Committee on Conference

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Deuel, Swan and Tickle as a Senate Committee on Conference concerning Assembly Bill No. 34 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES
RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 61.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bill No. 61, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 61 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—30.

NOTES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 61

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Denel, Fletcher, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—28.

NOTES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 33

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 26

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 26—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately;

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately;

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools;

Senate Concurrent Resolution No. 13—Relative to the appointment of the Honorable John D. Foley to the bench of the superior court in Santa Clara County;

Senate Joint Resolution No. 11—Relative to the President's Birthday and the March of Dimes;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 5.30 p.m.

RICH, Chairman

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 34: By Senators Powers and Kenny—An act making an appropriation to the Emergency Fund to provide money for the support of Division of Architecture, Department of Public Works, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Concurrent Resolution No. 15: By Senators Swan and Metzger—Relative to loyalty of employees of the State of California.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Resolution read.

Previous Question

Senator Rich moved the previous question.

The question being on the adoption of Senate Concurrent Resolution No. 15.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 16: By Senator Swan—Relative to sending representatives of the Senate and Assembly to Washington to confer with Federal authorities concerning enemy aliens present in this State.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Senator McBride:

Senate Resolution No. 30

Relative to requesting the Attorney General and other law enforcement officers to enforce the Alien Land Law

WHEREAS, On May 19, 1913, and on November 2, 1920, the people of the State of California adopted an Alien Land Law; and

WHEREAS, The Alien Land Laws were designed to prevent aliens ineligible to citizenship from directly or indirectly acquiring any interest in or dominion over land used or to be used for agricultural purposes; and

WHEREAS, The reason for the passage of the laws was: The clash of two races and two civilizations, socially and economically incompatible, no question of the inferiority or superiority of either race being involved; and

WHEREAS, By subterfuge and device the Alien Land Law has been circumvented until it has become a virtual nullity: American-born Japanese have been substituted for their alien parents as owners or lessors, American citizens have been induced to do the same thing, while all the time the land purchased or leased was acquired with the intent that it be used by aliens forbidden to own or lease the land; and

WHEREAS, Great areas of land over which such aliens exercise all of the rights of ownership are situated along the shore lines of this State and in many other places equally vital to the Military, political, and economic welfare of this State; and

WHEREAS, Such a condition existing under a State law designed to protect the American farmer from deleterious economic competition in the growing and marketing of farm produce constitutes a menace to National defense, to the citizens of this State and Nation, and to the American grower and dealer; and

WHEREAS, The problem presented is not one primarily of Federal jurisdiction but is one of a State concern which may nevertheless endanger the National security; now, therefore, be it

Resolved by the Senate of the State of California, That the Attorney General and other proper law enforcement officers of this State are requested and urged to investigate any and all possible evasions of the Alien Land Laws and to prosecute to the utmost extent of the law any violations that may be discovered; and be it further

Resolved, That the Secretary of the Senate is directed to immediately transmit a copy of this resolution to the Attorney General of this State, and a copy to the district attorney of each county in the State.

Resolution read, and unanimously adopted.

By Senator Swan:

Senate Resolution No. 31

Congratulating former Senator Nielsen on election to Sacramento City Council

WHEREAS, Former Senator Roy J. Nielsen represented his fellow citizens in the Legislature of this State for 16 years; and

WHEREAS, Former Senator Nielsen was elected to the City Council of the City of Sacramento at the last election; and

WHEREAS, His former Colleagues and the members of this Senate have learned with satisfaction of former Senator Nielsen's success; now, therefore, be it

Resolved by the Senate of the State of California, That the members of this body desire to convey to former Senator Nielsen their heartiest congratulations and the warmest assurances of their best wishes for former Senator Nielsen's continued success and happiness; and be it further

Resolved, That the Secretary of the Senate be hereby instructed to transmit a copy of this resolution to former Senator Nielsen.

Resolution read, and unanimously adopted.

By Senator Tickle:

Senate Resolution No. 32

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning January 17, 1942, and the Controller

is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Leal Norton, Page-----	\$2 50
Jack Tibbits, Page-----	2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—28.

NOES—None.

RECESS

At 12.25 p.m., on motion of Senator Rich, the Senate recessed until 4.30 p.m.

REASSEMBLED

At 4.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 27

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; noes 1.

RICH, Chairman

CONSIDERATION OF SENATE RESOLUTION NO. 27

Senate Resolution No. 27

Relative to Interim Committee for Economic Planning

WHEREAS, The United States is engaged not only in a National Defense Program but a Victory Campaign; and

WHEREAS, The successful completion of this Victory Campaign requires immediate and careful planning for a well prepared war effort—planning that considers immediate needs, long time effects and ultimate objectives—for

1. Transferring peace time workers to the defense industries and the development of new products for civilian use without interference with war-time needs.

2. Securing the complete utilization of our unrivaled industrial capacity for National defense purposes.

3. Providing carefully conceived, efficiently executed cooperative planning by labor, capital, and Government for the war effort and the peace time adjustments afterwards—

to the end that ideals and principles we cherish may be secured by the victory of our arms and preserved for the enjoyment of ourselves and our posterity in the peace to come; now, therefore, be it

Resolved by the Senate of the State of California, That a committee to be designated "The Senate Interim Committee on Economic Planning" consisting of two members to be appointed by the Committee on Rules of the Senate is hereby created, which committee is hereby authorized to gather, study, assemble and analyze all facts relating to every phase of the matters specified in this resolution and of the economic and social conditions in this State both as to those conditions which exist during the present period of defense activity and as they may exist during the peace to follow, all with a view to formulating plans and preparing and submitting such legislative measures as will enable the State to bring about and assure the best possible adjustment to economic and social conditions during the prosecution of the Victory Campaign and following cessation of the war.

To this end the committee should make a complete study, survey, and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, and enforcement of any and all laws in any wise bearing upon or relating to the subject of this resolution, and may cooperate with

and enter into joint activities with the Assembly Legislative Committee on Economic Security.

The committee may act during this session of the Legislature, including any recesses thereof and after final adjournment and may report its findings and recommendations to the Senate and to the people from time to time and at any time, and may make its final report to the Senate at the Fifty-fifth Session of the Legislature on or before March 15, 1943; and be it further

Resolved, That the committee shall have and exercise all the powers, duties and privileges conferred upon committees by Rule No. 35 of the Joint Rules of the Senate and Assembly for the First Extraordinary Session of the Fifty-fourth Legislature (and the provisions of said Rule as they exist on the adoption of this resolution are, to the extent not inconsistent with this resolution, hereby incorporated herein and made a part hereof as though set forth in full in this resolution); and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.055) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of one thousand dollars (\$1,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Slater, Swan, and Tickle—27.

NOES—Senator Rich—1.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Rich, ordered printed in the Journal:

JOINT LEGISLATIVE BUDGET COMMITTEE
SACRAMENTO, CALIFORNIA, January 16, 1942

MEMORANDUM TO: Honorable W. P. Rich, Chairman, Legislative Budget Committee
FROM: Rolland A Vandegrift, Legislative Auditor
SUBJECT: Emergency Fund allotments

Developments have taken place in relation to the State Emergency Fund which I believe should be brought to your attention and probably to the attention of the Legislature.

I am attaching herewith copy of a schedule prepared by the Department of Finance, and dated January 6, 1942, entitled: "Emergency Fund Provided by Chapter 600, Statutes of 1941 and Augmented by Chapter 2, Statutes of 1941 First Extraordinary Session."

You will recall that in the discussions held with Mr. Killion, before the committee, that this schedule was presented, purporting to be a list of allocations promised or made from the Emergency Fund to take care of immediate and pressing needs for the several departments concerned.

When I asked Mr. Links certain questions concerning this he stated definitely that these were promises made by the Department of Finance from the Emergency Fund and that some of them had been converted into orders which we presume are binding. However, many others were in the nature of promises and the funds would be forthcoming only if the agencies found after they had expended their regular Budget allotment that they still needed additional money.

We presumed that this was reliable information and that the Department of Finance was committed to this procedure, for their representatives certainly used this information before the committee in urging the necessity for additional funds.

In our study, and in our presentation, we took them at their word and presumed that these allotments in the amount of \$721,049 were definitely in the category of immediate emergencies and that the situation had been met by the Department of Finance in making these allotments and promises. With this in view we recommended that the amount of \$221,049 of the \$721,049 in excess of the \$500,000 appropriated by the special session to the General Emergency Fund, without any limitations on it, be restored to the General Emergency Fund, together with the additional amount necessary to bring this fund up to \$1,000,000.

We now find that the Department of Finance after having used this information to substantiate its requests for a larger Emergency Fund has now withdrawn from its position in many of the instances wherein there is an actual and demonstrated need for immediate funds. They have proceeded to tell certain of the divisions of the State that the emergency money promised, as set up in the schedule dated January 6, 1942, is now being withdrawn and that the promises or letters of promise are being recalled for the reason "that there is insufficient money in the Emergency Fund." In other instances they are telling the division, i.e., the Forestry Division, that the money allocated, \$138,301, to carry them to January 31, 1942, will have to be repaid out of their appropriations now before the Legislature, so that this sum will be restored to the General Emergency Fund. In the case of the Department of Agriculture, the Director of Finance argued the immediate necessity for money for two quarantine stations and for spray residue enforcement. We found that the sum of \$34,055 already had been allocated for these items and others. We now discover that the Department of Agriculture has been told that this promise has been cancelled for the reason that there is insufficient money in the Emergency Fund.

Another example, in the case of the Board of Prison Directors, Bureau of Parole, \$19,596 has been promised by Order No. 242, January 5, 1942. This also may be canceled as may all the others not definitely covered by Executive order filed with the Controller.

There is attached herewith those Executive orders authorizing transfer from the Emergency Fund which have been filed with the Controller subsequent to December 7, 1941. These total only \$57,625 excluding the \$419,000 out of the amount limited to the State Guard.

It is clear from the action of the Department of Finance in this matter that it is now their intention of withdrawing many of these Emergency Fund promises, various reasons being given, but the evident purpose is to retain as much of the \$721,049 promised in the General Emergency Fund as possible and so it can be allocated for other purposes. Since we recommended that the Emergency Fund be restored to \$1,000,000 and recommended certain appropriations to a number of divisions of the State Government in a sum sufficient with these Emergency Fund allotments to meet their requirements, I now specifically recommend that the following items be allocated from the Emergency Fund, Chapter 600, Statutes of 1941, as augmented by Chapter 2 of the Statutes of 1941, First Extraordinary Session:

Personnel Board	\$15,025 00
Department Agriculture	34,055 00
Division Forestry (to 1/31/42)	138,301 00
Criminal Identification and Investigation	37,280 00
Board of Prison Directors—Bureau of Parole	19,596 00
Vital Statistics	69,280 00

I do this so that we may be certain and positive that these divisions who have a demonstrated need may be taken care of and may plan properly so that the original promises in these cases made by the Department of Finance may be made effective.

I further suggest that a limitation be placed in the General Emergency Fund so that no money may be spent from it for the Fire Marshal, or under the direction of the Fire Marshal, for fire safety for the reasons that there is a balance in the special fund used to support his office, and that the appropriation to the Division of Forestry to make effective the Council of Defense General Fire Emergency Plan is sufficient for this purpose and that it should not be interfered with by placing it under control of the Fire Marshal as is possible without the enactment of proper safeguards.

Respectfully submitted.

ROLLAND A VANDEGRIFT, Legislative Auditor

EMERGENCY FUND

Chapter 600—Statutes 1941

Executive Orders Issued by Director of Finance From December 7, 1941,
to January 15, 1942

Order No.	Agency	Purpose	Amount
564	Controller -----	Unemployment relief refund expenses, 93d Year -----	\$6,400 00
565	Council of Defense -----	Support, 93d Year -----	40,000 00
566	Department of Military and Veterans Affairs -----	Support, 93d Year -----	6,225 00
567	Division of Architecture -----	Architectural surveys, 93d and 94th Years -----	5,000 00
568	State Guard -----	Support, 93d Year -----	419,000 00
Total -----			\$476,625 00

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately;
consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on January 15, 1942, be further amended as follows:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "Where the total", and strike out all of lines 13 to 18, inclusive.

DEUEL
SWAN
TICKLE

MILLER
TURNER
CALL

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 35

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Jespersen:

Resolved, That Assembly Bill No. 35 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 35

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was introduced, and read:

Senate Concurrent Resolution No. 17: By Senator Breed—Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 17, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 17

Senate Concurrent Resolution No. 17—Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Denel, Fletcher, Jespersen, Kenny, Kuchel, Mayo, Metzger, Myhand, Parkman, Quinn, Shelley, Slater, and Tickle—18.

NOES—Senators Carter, Collier, Cunningham, Garrison, Gordon, Judah, Keating, Luckey, McBride, McCormack, Powers, Rich, Swan, and Ward—14.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1942

To the Members of the Senate of the California Legislature

GREETINGS: Please be advised that I hereby withdraw my nomination, heretofore communicated to you, of Judge P. J. McLaughlin as a member of the State Board of Prison Directors, for the reason that I have decided to appoint him to another position.

Respectfully yours,

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1942

To the Members of the Senate and Assembly of the California Legislature

GREETINGS: Upon receipt of Assembly Concurrent Resolution No. 13, criticizing the action of the Board of Prison Terms and Paroles in paroling the prisoners, King, Ramsay and Conner, and calling upon me to revoke that action of the board, I forwarded a copy of the same to Booth B. Goodman, Chairman of the Board of Prison Terms and Paroles, requesting a report of the considerations and reasons upon which the action of the board was based. In response to that request, I have received from the chairman of the board such report, a copy of which is herewith submitted to you for your information.

Respectfully yours,

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, DEPARTMENT OF PENOLOGY
FERRY BUILDING, SAN FRANCISCO, January 16, 1942

*Honorable Culbert L. Olson, Governor of California
State Capitol, Sacramento, California*

YOUR EXCELLENCY: In compliance with your communication transmitting a copy of Assembly Concurrent Resolution No. 13, relative to the granting of paroles to King, Ramsay and Conner and requesting a report of the considerations upon which the action of the Board of Prison Terms and Paroles was based, you are hereby advised as follows:

The statement in the resolution that the paroled convicts were "convicted of one of the most hideous and cold blooded murders in the criminal history of California" disproves itself by the obvious and undisputed fact that the paroled men were not convicted of first degree murder but of murder in the second degree only. The minimum penalty for murder in the second degree is five prison years. With good conduct, five prison years is, under our law, three years and seven months, or 43 months. Under the code persons convicted of second degree murder can be legally paroled after serving half of the minimum time, or 21 months and 15 days. King, Ramsay and Conner were paroled after they had served 58 months, which is equal to more than seven prison years and from which you will observe that these men served more than 2½ times the minimum prescribed by law before parole.

The circumstances of the offense as revealed by the official record and confirmed in the opinion of the District Court of Appeal, reported in 30 Cal. Ap. 2d, page 185, are briefly as follows: George Alberts was murdered by George Wallace, now in San Quentin and one Ben Sakovitz who has never been either apprehended or prosecuted. It was never contended in any court that the claimed plan or conspiracy in which the paroled men participated went beyond a plan to have an assault and battery committed on Alberts. No conspiracy to commit murder was testified to, proved or claimed in any court.

It was admitted throughout the case that the paroled men did not participate in any assault upon the decedent as will appear from the following quotation from the charge of Honorable Frank M. Ogden, to the jury in the trial court which I quote from page 3937 of the official transcript:

"It is not the contention of the district attorney and he has offered no evidence tending to show that either of the defendants, King, Ramsay or Conner, personally perpetrated the actual assault. It must, therefore, be concluded that they did not."

The three parolees, prior to conviction in the instant case, have been law abiding citizens. Their conduct during incarceration had been exemplary.

In view of the fact that upon the record these men neither planned to kill nor participated in, nor were present at the killing, a majority of the board believed that after having served more than 2½ times the minimum prescribed by law as a prerequisite to eligibility for parole, could be paroled with complete safety to the public.

If "the Attorney General of this State has made the unequivocal declaration that in this case the paroles were granted because of political pressure and that these convicts were granted special privileges within and outside the walls of San Quentin Prison because of such pressure," such statements are and each of them is wholly false and untrue. In so far as this board is concerned the only pressure which has been exercised has been the pressure of propaganda and misstatements originating since the granting of the paroles.

I have no knowledge of any charges against the granting of these paroles excepting statements circulated in a portion of the press which are contrary to the official records.

Neither the Legislature nor the Grand Jury of Alameda County granted the board any opportunity to present the facts and have obviously acted upon untrue hearsay statements.

Upon the facts, which can be obtained only from the official records, it should appear that the board acted with sound discretion; that such action was well within the powers conferred by law, has not been and can not be questioned. Under these circumstances it is obviously the official duty of the Attorney General to protect the board in its right to function freely and without interference or intimidation.

A government is free only when its public officers do function within the lawful limits of their power, freely and without interference. To the preservation of this principle American ideals have ever been dedicated and in this day of crisis have been rededicated.

The best defense of Democracy against subversive activities is a demonstration of its sufficiency to administer personal justice without consideration of race, religion or politics and this your board has done.

I sincerely believe that a majority of the Legislators would not have voted for this resolution had they been in possession of the truth, nor would they have called upon Your Excellency to perform an act beyond your power under the law of this State as set forth in the decision *Ex Parte Knacsche* reported in 22 Cal. App. 2d 667, holding that parole can not be revoked without cause.

Respectfully submitted.

BOOTH B. GOODMAN, Chairman
Board of Prison Terms and Paroles

RECESS

At 5.27 p.m., on motion of Senator Seawell, the Senate recessed until 8.55 p.m.

REASSEMBLED

At 8.55 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Fletcher moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 8.57 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1942

*To the Honorable Members of the Senate
of the State of California*

GREETINGS: Will the Senate advise and consent to the appointment of Harold A. Slane to membership on the Youth Correction Authority, for the term to be determined by lot, in accordance with provisions of the law?

Harold A. Slane, 37 years of age, was born in the State of Missouri, and has been a resident of California for the past 18 years. He completed his education at the University of Washington, and received his law degree at Southwestern University.

Mr. Slane's training in the university covered courses in psychology, applied psychology, social ethics, philosophy, juvenile delinquency, penology, criminology, and law.

In 1933, Mr. Slane was appointed a special investigator for the Board of Supervisors of Los Angeles County to investigate the department of charities and all related juvenile agencies. For the past five years, he has been a Deputy City Attorney for the City of Los Angeles.

He has for many years been vitally interested in youth movements, being active in Y. M. C. A. and church work, De Molay Chapters, Christian Endeavor work, and similar organizations concerned with development and shaping of better citizens for society. He presently is a member of the Wilshire Y. M. C. A. of Los Angeles, on the advisory committee of the Southwest Y. M. C. A., and a member of the State Advisory Committee for the National Youth Administration.

Mr. Slane is married, and has a son and a daughter, the son being active in Y. M. C. A. club work.

I have heretofore designated him as a member of the Youth Correction Authority and he has already inaugurated the program of the Authority and helped shape its course.

He is my independent appointee to the Authority, but under date of December 3, 1941, the Advisory Panel set up under the act creating the Authority informed me that although it had not included Mr. Slane in the list of persons which it had recommended "We are of the opinion that Mr. Slane, if chosen as your independent appointee, should make an excellent member of the Youth Correction Authority, working jointly with the two persons selected from the panel submitted to you by the Advisory Panel."

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 55

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately.

Referred to Committee on Finance.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 9.57 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

ADJOURNMENT

At 9.58 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., January 18, 1942, out of respect to the memory of the late Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Sunday, January 18, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Dillinger, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Misses Linda and Karla Lentz of Sacramento.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wm. P. Rich of Marysville.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Misses Dorothy Senn, Marilyn Kleppel and Dolores Stadler, all of Sacramento.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 55

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

Resolved, That Assembly Bill No. 55 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator DeLap moved a call of the Senate.

Motion carried. Time, 10.40 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 10.55 a.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the resolution to suspend constitutional provision adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Tickle—27.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Kenny, Luckey, McBride, McCormack,

Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, and Tickle—27.

NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 29

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 33

Resolved, That all employees of the Senate be stricken from the pay roll at the completion of work on the day of final adjournment of this Fifty-fourth (First Extraordinary) Session, except as hereinafter provided.

WHEREAS, Pursuant to adjournment it will be necessary for the Secretary of the Senate to conclude the business of the Senate and perform the duties provided by law, the Standing Rules of the Senate and resolutions adopted by the Senate and to employ certain necessary assistants incident thereto; therefore, be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem provided by law, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

By Committee on Rules:

Senate Resolution No. 34

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in a sum of six hundred fifty dollars (\$650) in favor of Joseph A. Beek, Secretary of the Senate, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, bills from State Department of Finance, H. S. Crocker Company, Newbert Hardware Company, traveling expenses and any other incidental expenses in connection with concluding the business of the Senate and performing any duties imposed by the Rules or resolutions of the Senate, also to pay any bills for incidental expenses of the Senate heretofore incurred but for which payment has not been provided by any other resolution.

The Secretary of the Senate is instructed to file with the Controller receipts covering all expenditures made hereunder.

(Signed out)

RICH, Chairman
BREED
MYHAND
TICKLE
DEUEL

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Biggar, Breed, Brown, Carter, Crittenden, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 23

Assembly Concurrent Resolution No. 27

Assembly Concurrent Resolution No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 27—Relative to the acquisition and use of beaches for public park purposes.

Without reference to committee.

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Referred to Committee on Finance.

Assembly Joint Resolution No. 23—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 23, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 23

Assembly Joint Resolution No. 23—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Swan, Tickle, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 27, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 27

Assembly Concurrent Resolution No. 27—Relative to the acquisition and use of beaches for public park purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Duell, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

POINT OF PERSONAL PRIVILEGE

Senator Swan arose to a point of personal privilege and asked for, and was granted, permission to have the following statement printed in the Journal:

In times of peace the deliberate falsifications of malicious ignorance may often with propriety be disregarded. But in time of war an inescapable obligation rests upon every loyal American to denounce with vigor lies that are calculated to deceive patriots of noble motive and to aid our enemies.

Such an occasion is presented by an editorial appearing on page 6 of the Sacramento Union of January 18, 1942, and an advertisement published by alien and American-born Japanese on page 20 of the same issue of this newspaper.

Under its present editorial management the Sacramento Union has consistently pursued a policy of vilification, misrepresentation, and falsification whenever and wherever an individual it hates is involved, and no matter how great the distortion of truth necessary to reinforce its untenable position it enthusiastically makes that distortion.

The Sacramento Union in the recent past made a vicious, unwarranted attack upon the Honorable John B. Pelletier, a Member of the Assembly. Now it adds another chapter to its disgraceful record by publishing an editorial designed to thwart the Legislature in its attempt to prevent sabotage in State departments.

Loyal Japanese are not attacked in Senate Concurrent Resolution No. 15.

This resolution was prepared by the foremost authority on constitutional law in the West. Its purpose is not to deny any civil liberties, to initiate a witch hunt, or to harass members of any race.

Its purpose is to halt a *real*, not an alleged increase, of Japanese in the State's employ, an increase of *astounding proportions*.

The editor of the Sacramento Union can secure the facts if he desires. His reporters are competent, conscientious, courageous. But the truth is not desired by this columnist who exists on the low and dishonorable plane of poisonous hatreds that are stronger than patriotism and who feels that any native-born or alien Japanese establishes his loyalty by advertising in his paper.

I apologize to the members of the California Legislature because among my constituents is numbered a creature of this foul breed who temporarily controls the editorial policy of a once great newspaper. Fortunately, his *FALSE* squeak is lost in the mighty roar of a California press free from his low and evil designs.

I need not remind the members of the Legislature that the Sacramento Bee under the distinguished editorship of the late great C. K. McClatchy fully recognized the ramifications of the Japanese peril and continues to do so, and that the brother of C. K. McClatchy, a truly great patriot, made an imperishable contribution to American security by his vigilance in this matter.

Don't judge the hospitality, the intelligence, or the patriotism of the citizens of Sacramento by what appears in the Sacramento Union!

JOHN HAROLD SWAN

RECESS

At 11.27 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Garrison moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 3.02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 68

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 20

Assembly Joint Resolution No. 22

Assembly Joint Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Without reference to committee.

Assembly Joint Resolution No. 22—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Without reference to committee.

Assembly Joint Resolution No. 25—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego.

Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 25, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 25

Assembly Joint Resolution No. 25—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 3.25 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

RECESS

At 3.26 p.m., on motion of Senator Rich, the Senate recessed until 8 p.m.

REASSEMBLED

At 8 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Concurrent Resolution No. 15

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 15?

Amendment No. 1

Strike out lines 4 to 12, inclusive, of the printed measure, and insert

"WHEREAS, It appears that there are employees of the State of California who may possess dual citizenship; and

WHEREAS, It appears that many State civil service lists are almost completely filled with the names of alien nationals who may not have renounced their dual citizenship; now, therefore,".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 15 by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, and Swing—23.

NOES—None.

Above resolution ordered enrolled.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Rich, ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE

SACRAMENTO, January 18, 1942

*Honorable W. P. Rich, Chairman, Legislative Budget Committee
State Legislature, Sacramento, California*

SUBJECT: Emergency Fund allotments

DEAR SENATOR RICH: In the Senate Journal of January 17, 1942, there was printed a communication by Mr. Vandegrift, Legislative Auditor, addressed to you, containing statements which it is my privilege and duty to clarify. I do not wish to be presumptuous in challenging Mr. Vandegrift's intent in addressing this communication to you, but I do say without hesitation that his conclusions are not predicated upon a clear understanding of the problems facing California during this time of great crisis.

In his memorandum the Legislative Auditor stated that your committee had been presented a list "purporting" to represent allocations promised or made from the Emergency Fund to provide for the immediate needs of several State agencies to undertake additional work made necessary by the present war between the United States and Japan, Germany, and Italy.

The list presented was a list of allocations which had been promised or made up to the date when it was presented to you and not a "purported" list. The actual allocation documents had been drawn and signed by me before the list was prepared.

In his memorandum the Legislative Auditor stated that Mr. Links of this department had informed him that some of the promises made by the Department of Finance from the Emergency Fund had been converted into Executive orders, and that others would be covered by Executive orders when it was determined that the departments could not effect sufficient savings to make the drawing of the orders unnecessary. The Legislative Auditor stated he "presumed" that this was reliable information. No presumption is necessary, because the information given was authentic. However, the emergency allotments shown on the list presented to the committee were those based upon the procuring of an Emergency Fund adequate to meet not only the known necessities, but the contingent necessities should the present war continue until January 1, 1943.

In no instance has the Department of Natural Resources been informed by me that the \$138,301 allocated to the Division of Forestry would not be made available. No one has been authorized by me to make such a statement.

The Department of Agriculture was informed that because the Legislature has failed to make an adequate appropriation to the Emergency Fund to meet contingencies, which, if the war continues, are now known will be of more relative importance than those confronting the Department of Agriculture, it was found necessary to cancel for the present the allotment, totaling \$34,055, previously made to that agency. Furthermore, no other State agency has been informed, directly or indirectly, that their allotments promised would not be available as indicated.

On the other hand, it has become necessary for us to increase the allotment previously promised the Department of Institutions, made necessary by a recognized increase in its activities. I am sure that you recognize that the current situation in matters of State defense are so unstable that deviations from allotments made originally may from time to time be necessary.

You may recall that the Legislative Auditor made no provision in his recommendation covering the war-time essential activities for the Personnel Board, Department of Agriculture, California Maritime Academy, Department of Industrial Relations, Department of Public Health other than Vital Statistics, Department of Social Welfare, Division of Water Resources, and the Division of Architecture. In fact, his specific recommendations covered only the Bureau of Criminal Identification and Investigation, Bureau of Parole, Division of Forestry, Bureau of Vital Statistics, and the State Council of Defense, within the list recommended directly by the Department of Finance. Further, your Legislative Auditor stated, substantially, to your committee that it was his opinion all items, except those which he recommended, should never have been granted. He informed the committee that "unfortunately" it had no power to change the allocations already made by the Director of Finance.

However, since informing the committee that he believed all the allocations made by the Department of Finance, with the exception of three or four, were unnecessary, he now presumes to champion the very agencies which he stated should not

have been given any allocation whatever from the Emergency Fund for war-time activities by recommending that they be given special appropriations, which would carry them only until June 30, 1942. Incidentally, his recommendation for the Bureau of Vital Statistics of \$69,280 is \$4,337 greater than that allowed by this department.

The Legislative Auditor's comment in his memorandum to you regarding the State Fire Marshal that no money be allotted from the General Fund for the State Fire Marshal "for the reason that there is a balance in his special fund, used to support his office," is based only upon the auditor's own private opinion. Legal counsel has informed us that it is doubtful that the money in this fund can be spent for purposes other than the regulation of cleaning and dyeing industries. In a Supreme Court case relative to an attempt of the Legislature to appropriate for General Fund purposes, moneys collected under the police power of the State, the court held that such money could not be used for the ordinary operation of the State Government. There is sufficient doubt with reference to this matter that an allocation was made to the State Fire Marshal from the Emergency Fund. We are now awaiting an opinion from the Attorney General as to whether the unallocated balance in the State Fire Marshal's Fund may be used for general fire prevention work.

I shall appreciate it if you would have this answer to the Legislative Auditor's memorandum printed in today's Journal.

Very sincerely yours,

GEORGE KILLION, Director of Finance

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 35

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work January 17, 1942:

Jack Tibbits, Page-----	<i>Per day</i>
	\$2 50

Resolution read, and adopted.

By Senator Tickle:

Senate Resolution No. 36

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work January 18, 1942:

Leal Norton, Page-----	<i>Per day</i>
	\$2 50

Resolution read, and adopted.

By Senators Swing and Kenny:

Senate Resolution No. 37

Resolution authorizing the appointment of committee to contact Military authorities within this State, relative to conducting of fairs, athletic contests, sport events, etc.

WHEREAS, By reason of climatic conditions, its forests, beaches, and other natural facilities, California has become the greatest recreational State in the Union, and a place where thousands of citizens annually seek the pleasure and rehabilitation so necessary to the American way of living and a proper morale in times of peace as well as in times of great emergency; and

WHEREAS, Fairs, racing, athletic contests and sports of all kinds have become and are necessary for proper social intercourse, physical and mental rehabilitation, and as a means of affording opportunities for the pursuit of happiness; and

WHEREAS, Many such events were planned throughout the State, without knowledge and without means of knowing that the present emergency would arise, and considerable money has already been expended in connection therewith; and

WHEREAS, The United States Military authorities, in charge of Military activities within this State, have caused certain orders to be issued concerning the holding of such events, which orders have caused much uncertainty and confusion throughout the State as to which, if any, and when, if at all, such events, or any of them, may be held; and

WHEREAS, It is unfair to those who have planned such events, as well as to the people of the State of California generally, to permit such uncertainty and confusion to longer continue; and

WHEREAS, The clarifying of the aforesaid situation is both necessary and desirable if we are to maintain a proper morale through the people of this State; now, therefore, be it

Resolved by the Senate of the State of California. That a committee of two members of the Senate be appointed by the Committee on Rules to call upon Lieutenant General John L. DeWitt and submit to such General the various problems confronting the people of the State of California concerning the matters hereinbefore referred to, with the purpose of having it determined when, if at all, and under what conditions, if any, such events may be conducted and carried on within this State; and be it further

Resolved. That General DeWitt be respectfully requested to accord to such committee an audience and opportunity to discuss with him such problems for the purposes hereinbefore stated; and be it further

Resolved. That a copy of this resolution be forwarded by the Secretary of the Senate to General DeWitt that he may be advised that the Senate, in adopting this resolution, is but seeking clarification of the Military rules affecting the events aforesaid, and with the hope that by so doing, the Senate will, to that extent, be cooperating in maintaining a proper morale throughout the State; be it further

Resolved. That the aforesaid committee act in conjunction with a similar committee to be appointed by the Assembly if it be so advised, otherwise to act independently.

Resolution read, and adopted.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was introduced, and read the first time:

Senate Concurrent Resolution No. 18: By Senator Phillips—Relative to requesting a reply from the Department of Finance to Senate Concurrent Resolution No. 2.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 18, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 18

Senate Concurrent Resolution No. 18—Relative to requesting a reply from the Department of Finance to Senate Concurrent Resolution No. 2.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Seawell, Slater, Swing, Tickle, and Ward—25.

NOES—Senator Swan—1.

Resolution ordered transmitted to the Assembly.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 9.25 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.10 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

APPOINTMENT OF COMMITTEE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swing and Kenny as a Senate Committee in compliance with Senate Resolution No. 37.

SENATE COMMITTEE ON RULES
RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 56

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read:

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Referred to Committee on Finance.

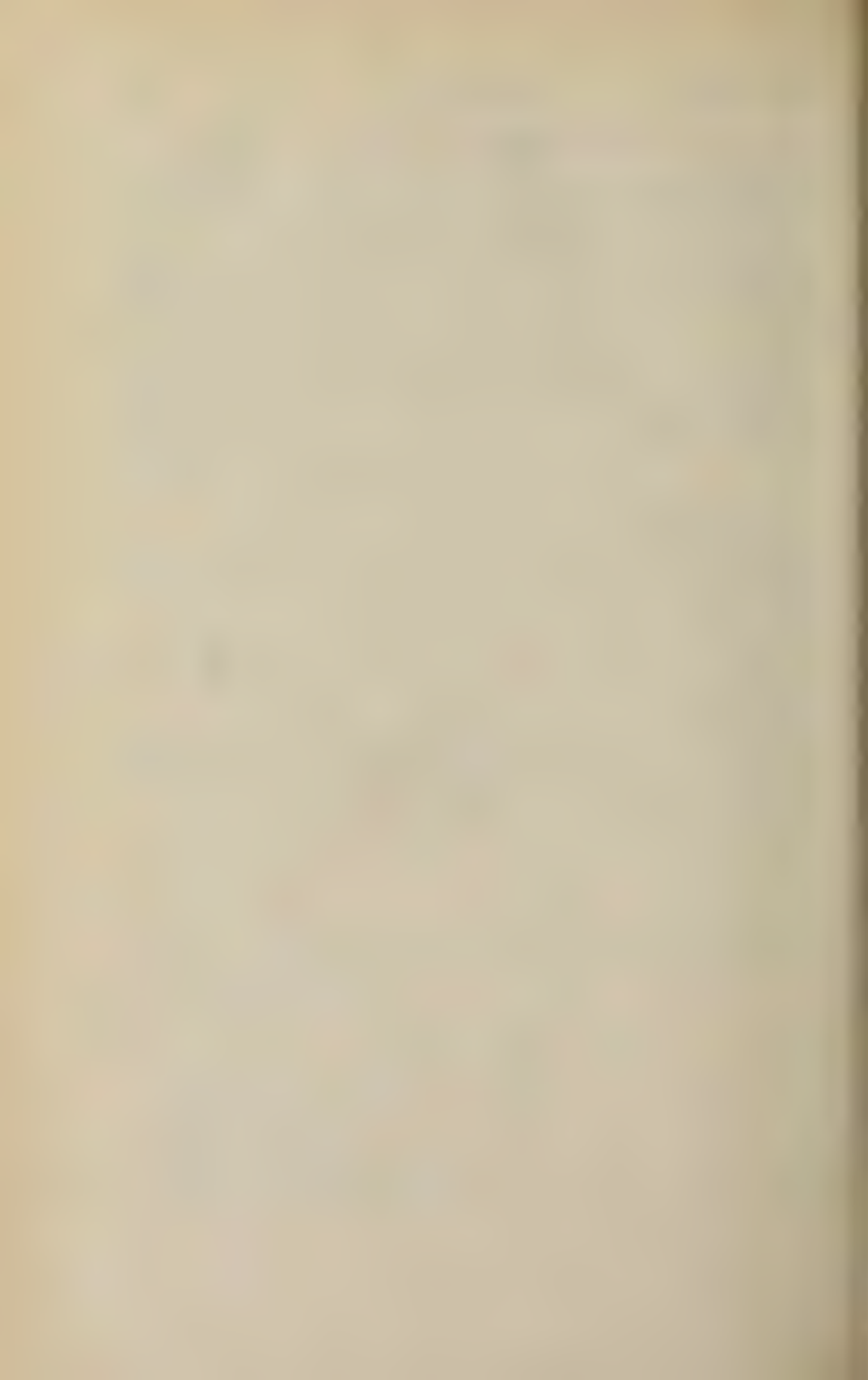
Motion to Refer Bill to Inactive File

Senator Shelley moved that Assembly Joint Resolution No. 20 be placed on the inactive file.

Motion carried.

ADJOURNMENT

At 11.15 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 19, 1942.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Monday, January 19, 1942

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ulysses Grant McQueen, founder and honorary president, Women's International Association of Aeronautics, of Riverside.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman Frank B. Collier, Assistant District Attorney of Stanislaus County, of Modesto.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 19

Assembly Concurrent Resolution No. 24

Assembly Concurrent Resolution No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Joint Resolution No. 19—Relative to defense of the California coast.

Without reference to committee.

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways.

Without reference to committee.

Assembly Concurrent Resolution No. 28—Relative to rolls of honor of State employees in the United States armed forces.

Without reference to committee.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 24

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Broed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Rich, Slater, and Swan—24.
NOES—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 11.12 a.m., on motion of Senator Fletcher, the Senate recessed until 11.17 a.m., to hear from Mrs. Ulysses Grant McQueen, founder and Honorary President, Women's International Association of Aeronautics.

REASSEMBLED

At 11.17 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, January 14, 1942

*Honorable Joseph A. Beek, Secretary of the Senate
California Legislature, Sacramento, California*

DEAR MR. BEEK: The department has received your letter of December 26, 1941, with which you inclosed a copy of Senate Joint Resolution No. 6, adopted by the California State Legislature on December 20, 1941. That resolution urges the President and the Congress of the United States to enact suitable legislation to appropriate sufficient funds to complete the levee along the west side of the Sacra-

mento River between Glenn and Ord's Ferry, a part of the adopted project for flood control on that river.

Your interest and courtesy in forwarding for the information and consideration of this office the resolution inclosed with your letter are greatly appreciated. You may be assured that the department will give careful attention to the data contained in that resolution in any recommendations which it may be called upon to make to higher authority on the authorized improvements for flood control in the Sacramento River Basin.

For the Chief of Engineers:

Very respectfully,

MILES REBER, Lieutenant Colonel, Corps of Engineers
Assistant Chief, Operations Branch

RECESS

At 11.50 a.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly respectfully requests that Senate Bill No. 29 be returned to the Assembly for further action.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 63

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Referred to Committee on Finance.

MOTION

Senator McBride moved that Senate Bill No. 29 be returned to the Assembly for further action.

Motion carried.

Bill ordered transmitted to the Assembly.

REMARKS

Mr. President and Members of the Senate

It gives me pleasure to present to you, on behalf of Mr. Mark Anderson of Redlands, California, some of the golden fruit which I hope will be helpful in steadying your nerves and keeping you in a pleasant frame of mind until this session shall have closed.

RALPH E. SWING

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS**

The following resolution was offered:

Senate Concurrent Resolution No. 19: By Senators Swan, Biggar, Cunningham, Fletcher, Mixter, Gordon, Crittenden, Metzger, Dillinger, Luckey, Carter, Judah, Rich, Brown, McCormack, Myhand, Powers, Ward, Kuchel, Parkman, Jespersen and McBride—Relative to reduction in school expenditures.

Request for Unanimous Consent

Senator Biggar asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 19, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 19

Senate Concurrent Resolution No. 19—Relative to reduction in school expenditures.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Myhand, Parkman, Phillips, Powers, Slater, Swan, and Ward—22.
NOES—Senator Seawell—1.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 29

Assembly Concurrent Resolution No. 30

Assembly Concurrent Resolution No. 33

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 24—Relative to price control.
Without reference to committee.

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253.

Without reference to committee.

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the proclamation calling a possible Special Session.

Without reference to committee.

Assembly Concurrent Resolution No. 33—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee.

Without reference to committee.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 29

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 35: By Senator Fletcher—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard, and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Without reference to committee.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 30

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the Proclamation calling a possible special session.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 26, of the printed measure, strike out "second", and insert "third".

Amendment read and adopted.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 33

Assembly Concurrent Resolution No. 33—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 28

Assembly Concurrent Resolution No. 28—Relative to rolls of honor of State employees in the United States armed forces.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 5.28 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 56

Assembly Bill No. 68

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 56 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—29.

NOES—Senators Judah, Mayo, Metzger, and Myhand—4.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 56

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—28.

NOES—Senators Judah, Mayo, Myhand, and Swan—4.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

Resolved. That Assembly Bill No. 68 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 68

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, and Ward—32.

NOES—Senators Shelley, and Swan—2.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator McBride:

Senate Resolution No. 38

WHEREAS, This day marks another milestone in the life of our colleague, Senator H. R. Judah; and

WHEREAS, Today is a happy occasion to all members of the Legislature, as well as to Senator Judah's family and host of friends; and

WHEREAS, Senator Judah has not only shown himself to be a patriotic citizen and a constructive statesman, but has endeared himself to his colleagues by his kindness, his courtesy and his uniform good nature, even under most trying conditions; now, therefore, be it

Resolved, That the Senate of the State of California hereby extends to Senator H. R. Judah the good wishes and congratulations of its members; and be it further *Resolved*, That this resolution be placed in the records of the Senate and that an engrossed copy be transmitted to Senator H. R. Judah by the Secretary of the Senate.

Resolution read, and adopted.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 29

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 35

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 35—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature.

Without reference to committee.

APPOINTMENT OF COMMITTEE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Kenny and Phillips as the Senate Committee provided by Senate Resolution No. 27.

(Signed out)

SENATE COMMITTEE ON RULES

RICH, Chairman
BREED
MYHAND
DEUEL

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 35

Assembly Concurrent Resolution No. 35—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—36.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 78

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 78 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—34.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 78

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Bill read second time.

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Joint Resolution No. 20 be taken from the inactive file, and placed on file.

Motion carried.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 20

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Resolution read.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed measure, as amended, strike out line 7 after the word "Act" and strike out lines 8 to 11, inclusive; and in line 12, strike out "provided", and insert "to provide".

Amendment No. 2

On page 1, line 20, of the printed measure, as amended, strike out the comma, and insert a semicolon and "and".

Amendment No. 3

On page 1, line 21, of the printed measure, as amended, strike out "and depend-"; and on page 2, strike out lines 1 to 6, inclusive, and insert

"WHEREAS, Some small income should be permitted beneficiaries under the categorical measures in said Social Security Act not only to stimulate the beneficiary concerned, but to aid in maintaining such person's self-respect and to permit".

Amendments read, and adopted.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 39

Relative to confirmation of appointment of Harold A. Slane to Youth Correction Authority

WHEREAS, The name of Harold A. Slane has been submitted to the Senate for confirmation of appointment by the Governor to the Youth Correction Authority; and

WHEREAS, The Senate, on account of the amount of legislative business and the probable duration of the session, can not adequately consider the matter of such appointment; now, therefore, be it

Resolved by the Senate of the State of California, That the unconfirmed appointment of Harold A. Slane to the Youth Correction Authority be re-submitted by the Governor at the next succeeding session of the Legislature; and be it further

Resolved, That the Secretary of the Senate is hereby directed to file a copy of this resolution immediately after its adoption in the office of the Secretary of State.

(Signed out)

RICH, Chairman
DEUEL
BREED
MYHAND

Resolution read and adopted.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 6.10 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

ADJOURNMENT

At 6.12 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., January 20, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, January 20, 1942

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Dillinger, on motion of Senator Luckey.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

WAR DEPARTMENT, THE ADJUTANT GENERAL'S OFFICE
WASHINGTON, January 14, 1942

*Honorable Joseph A. Beek, Secretary of the Senate
Sacramento, California*

DEAR SIR: I am directed by the Secretary of War to acknowledge the receipt of your letter of December 22, 1941, addressed to the President, inclosing copy of Senate Resolution No. 15.

Your suggestions have been noted in the department and the correspondence has been made of record for such consideration as circumstances may warrant.

Your interest in National defense is appreciated.

Very truly yours,

E. S. ADAMS, Major General
The Adjutant General

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 35—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 14, of the printed bill, strike out "30", and insert "60".

Amendment No. 2

On page 2, line 15, of the printed bill, strike out "30", and insert "60".

Amendment No. 3

On page 2, line 25, of the printed bill, strike out "30", and insert "60".

Amendment No. 4

On page 5, line 12, of the printed bill, strike out "7", and insert "5".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 22

Assembly Joint Resolution No. 22—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, and Tickle—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 20, 1942

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the following appointments to the Youth Correction Authority, the terms to be determined by lot at the first meeting, pursuant to the provisions of the law:

O. H. Close, Ione
Karl W. Holton, Los Angeles
Harold Slane, Los Angeles

O. H. Close

O. H. Close, one of the two names chosen from the panel submitted to me by the Advisory Committee, is 52 years of age, educated at the University of Iowa and Stanford University, from which he obtained his A.B. in 1912 and his M.A. in 1914.

From 1914 to 1920 Mr. Close was principal of the San Juan High School at Fair Oaks, and from 1920 to date has been superintendent of the Preston School of Industry.

He is an active member of the State Probation and Parole Association, and has been in active contact with probation officers and their work for 20 years. He has also been an active member of the State Conference of Social Work since 1920.

Mr. Close resides at Ione, California.

Karl W. Holton

Karl W. Holton was selected from the panel submitted to me, is 43 years of age, and received his education at the University of Washington, from which he obtained an A.B. degree in 1923.

Mr. Holton taught a course in probation law at the University of Southern California, and for the past 10 years has served in the following capacities in the Los Angeles County Probation Department: Deputy probation officer, divisional director, director of institutions and personnel, director of juvenile division, director of adult division, chief deputy probation officer, and finally chief probation officer, the post he now holds.

Mr. Holton is considered an expert on juvenile and probation problems and has serving under him a staff of 350 persons and has a budget of more than \$1,000,000.

Mr. Holton resides at 6660 Colgate Avenue, Los Angeles.

Harold Slane

Harold Slane is my independent appointee. He is 37 years of age and received his education at the University of Washington, where he received an A.B. in 1924, and from Southwestern University, where he graduated in law.

Mr. Slane has been closely identified with Christian Endeavor work, Boy Scout activities and Y. M. C. A. and church organizations.

He served as official investigator for the Board of Supervisors of Los Angeles County to investigate the Los Angeles County Welfare Department and its institutions, including particularly child welfare agencies.

Since 1935, Mr. Slane has been a deputy city attorney in Los Angeles.

Under date of December 3, 1941, the Advisory Panel informed me that although it had not included Mr. Slane in the list of persons which it had recommended, "we are of the opinion that Mr. Slane, if chosen as your independent appointee, should make an excellent member of the Youth Correction Authority, working jointly with the two persons selected from the panel submitted to you by the Advisory Panel."

Mr. Slane resides at 1531 West 69th Street, Los Angeles.

Respectfully submitted,

CULBERT L. OLSON

Governor of California

Referred to Committee on Rules.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 36: By Senators Fletcher, Powers, Gordon, Keating, Brown, Judah, Metzger, Collier, Mixter, Deuel, Biggar and Cunningham—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Previous Question

Senator Cunningham moved the previous question.

Motion carried.

The question being on the suspension of Article IV, Section 15, of the Constitution.

Resolution to Suspend Constitutional Provision

The following resolution was offered :

By Senator Fletcher :

Resolved, That Senate Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for

the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—31.

NOES—Senators Garrison, Phillips, and Swan—3.

Bill ordered transmitted to the Assembly.

Statement of Vote

The above bill was offered the Senate as a "compromise bill." It was not, in my opinion, a compromise. A compromise bill would attempt to meet the point upon which the Lower House is deadlocked.

JOHN PHILLIPS

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: The Committee on Rules to which was referred messages from the Governor, which are herunto attached in which he appointed Harold Slane, O. H. Close and Karl W. Holton as members of the Youth Correction Authority, has had the same under consideration and respectfully recommends as follows, to wit:

1. That Senate Resolution No. 39 passed and adopted on the nineteenth day of January, 1942, be rescinded.

2. That the appointment of the said Harold Slane, O. H. Close and Karl W. Holton be confirmed by the Senate.

(Signed out)

RICH, Chairman
BREED
DEUEL
TICKLE

MOTION TO RESCIND ACTION ON SENATE RESOLUTION NO. 39

Senator Rich moved that the action whereby Senate Resolution No. 39 was adopted be rescinded.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointments by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of O. H. Close, Ione; Karl W. Holton, Los Angeles; and Harold Slane, Los Angeles, as members of the Youth Correction Authority.

The President put the question, "Will the Senate confirm and consent to the appointment of O. H. Close, Karl W. Holton and Harold Slane?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of O. H. Close, Karl W. Holton and Harold Slane as members of the Youth Correction Authority.

MOTION

Senator Swing moved that the sum of \$2,500,000 be appropriated from such funds as may be available to build suitable housing facilities for young men and women of draft age living in migrant camps.

Motion ruled out of order as not within the scope of the call.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 18—Requesting a reply from the Department of Finance to Senate Concurrent Resolution No. 2:

Senate Concurrent Resolution No. 19—Relative to reduction in school expenditures:

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of January, 1942, at 11.30 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 35

And reports the same correctly engrossed.

RICH, Chairman

MOTION

Senator Swing moved that the Secretary of the Senate be instructed to have prepared five engrossed certified copies of the proceedings in connection with clearing the Senate records relative to Col. Isaac Williams, as contained in the Senate Journal of January 12, 1942.

Motion carried.

RECESS

At 12.25 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Slater moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 3.01 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.45 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was introduced, and read:

Senate Concurrent Resolution No. 20: By Senator Rich—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 20

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Swan, Swing, and Tickle—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 24

Assembly Joint Resolution No. 24—Relative to price control.

Resolution read.

Motion to Re-refer Assembly Joint Resolution No. 24

Senator Kenny moved that Assembly Joint Resolution No. 24 be re-referred to Committee on Governmental Efficiency.

Motion carried.

ADJOURNMENT

At 4.12 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., January 21, 1942.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, January 21, 1942

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Collier, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Erb of Los Angeles.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 20

Assembly Concurrent Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 31

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 31—Relative to the consideration at a Special Session of the Legislature of subventions by the State to local governmental units.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen;

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California;

Senate Joint Resolution No. 10—Relative to protection of National defense industries, utilities and facilities;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of January, 1942, at 10.30 a.m.

RICH, Chairman

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS**

The following resolution was offered:

Senate Concurrent Resolution No. 21: By Senator Kenny—Relative to the refund of sales taxes.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Senator Swan:

Senate Resolution No. 40**Relative to the death of Jay G. Knowles**

WHEREAS, On Monday morning, the nineteenth day of January, 1942, our Creator saw fit to relieve of his earthly cares and burdens, Jay G. Knowles, pioneer resident of Sacramento for over half a century; and

WHEREAS, Jay G. Knowles was the father of Joseph L. Knowles, formerly Assistant City Attorney and City Prosecutor for the City of Sacramento over a span of years and at present and over the past year Assistant Counsel in the Office of the Legislative Counsel; and

WHEREAS, Through his ever present courtesy and his tireless, keen and incisive work throughout the Regular Session of 1941 and during the present special session, Joe Knowles has gained the respect, gratitude, and friendship of the members of this Legislature; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Senate extend their heartfelt sympathy and condolences to Joseph L. Knowles on the death of his father, Jay G. Knowles; and be it further

Resolved, That the Secretary of the Senate is hereby directed to present a suitably prepared copy of this resolution to Joseph L. Knowles.

Resolution read, and unanimously adopted by a rising vote.

RECESS

At 11.20 a.m., on motion of Senator Rich, the Senate recessed until 11.25 a.m.

REASSEMBLED

At 11.25 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

Two communications from Sonoma County Pomona Grange No. 1 relative to dual citizenry of American born Japanese, and the evacuation of Japanese aliens, were presented by Senator Slater, and read.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 9

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of home guard units, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 9?

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 2 and 3, and insert "and Veterans Code, relating to the State Guard, providing for the privileges and rights of the State Guard, permitting members of the State Guard and applicants for membership to elect to be available for limited active service only, providing that such members shall constitute the reserve force of the State Guard and for their organization into units of the home guards as provided herein, declaring the urgency of this act,".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 9 to 25, inclusive, and insert

"580. Each officer and enlisted man in the State Guard on the effective date of this section shall have the right to determine whether he shall be available for full-time active service in the State Guard or for limited service only. Any member of the State Guard who desires to be available for the limited service only shall so declare in writing within 30 days after the effective date of this section. All persons who become members of the State Guard after the effective date of this section shall declare in writing whether they elect to be available for full-time active service or for limited service.

581. The members of the State Guard on the effective date of this section who elect to be available for limited service and all persons who hereafter become members of the State Guard and declare at the time that they desire to be available for limited service only shall constitute the reserve force of the State Guard. The reserve force of the State Guard shall be designated the home guards.

582. The home guards shall not be available for service except by virtue of the exercise by the Governor of his power to call forth the Militia as provided in Section 1 of Article VIII of the Constitution of this State. No member of the home guards shall be paid for service therein unless called into active full-time service as provided in Section 1 of Article VIII of the Constitution of the State.

583. The members of any unit of the home guards may at any time voluntarily serve on limited active duty, without pay of any kind, pursuant to authorization of such service by The Adjutant General and subject to such general or special orders as The Adjutant General may issue, whenever a sheriff or chief of police requests such unit to volunteer for service to assist the sheriff or chief of police in connection with National defense problems.

584. The home guard shall be organized into such number of units as The Adjutant General may approve, the commissioned and enlisted strength of each such unit to conform generally to the Tables of Organization of the United States Army or Tables of Organization for the National Guard, subject to the provisions of this chapter."

Amendment No. 3

On page 2, line 10, of the printed bill, as amended, strike out "sheriff of the county", and insert "Adjutant General".

Amendment No. 4

On page 2, lines 25 and 26, of the printed bill, as amended, strike out "and under the order of the sheriff or", and insert "as provided in this chapter and under the order of".

Amendment No. 5

On page 2, line 32, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 6

On page 2, line 33, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 7

On page 2, line 36, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 8

On page 2 of the printed bill, as amended, strike out lines 38 and 39, and insert "590. The".

Amendment No. 9

On page 2, line 42, of the printed bill, as amended, strike out "from the sheriff or".

Amendment No. 10

On page 2, line 49, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 11

On page 3 of the printed bill, as amended, strike out lines 16 to 18, inclusive.

Amendment No. 12

On page 3 of the printed bill, as amended, strike out line 25, and insert "States or of the active membership of the State Guard of this State."

Amendment No. 13

On page 3, lines 26 and 27, of the printed bill, as amended, strike out "the sheriff of a county, or".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 9 by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Ward—28.

NOES—None.

Above bill ordered enrolled.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 37: By Senator Crittenden—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Bill No. 37, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Crittenden:

Resolved, That Senate Bill No. 37 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed

with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 37

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 11.35 a.m., on motion of Senator Rich, the Senate recessed until 11.40 a.m.

REASSEMBLED

At 11.40 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Luckey, ordered printed in the Journal:

EL CENTRO, CALIFORNIA, January 20, 1942

*J. A. Beek, Secretary of the Senate
State Capitol*

Receipt acknowledged your letter seventeenth transmitting Senate resolution urging investigation and prosecution Alien Land Law evasions. Survey shows

approximately 17,000 acres Imperial County now farmed by Japanese. No doubt considerable land held under subterfuge for ineligible aliens. My office has prosecuted many cases obtaining convictions in some and dismissals in others. Present Alien Land Law should be amended if convictions to be readily obtained on account of difficulty in establishing alien status. One possible solution would be for Federal alien enemy registration records to be made available and admissible in court for law enforcement agencies. The Legislature might adopt joint resolution requesting Congress to enact law to this effect. Legislature might also adopt law compelling all enemy aliens to submit reports to proper State or county office showing character of land being farmed, place and date of birth, nationality, date and place of entry and other factual information. Might place enforcement duty on county agricultural commissioner. United States Supreme Court decisions make it difficult to secure enforcement Alien Land Law. Recommend Legislature amend present law to make enforcement feasible and then United States Supreme Court to hold extra judicial statements admissible. My office will lend every effort to assist in enforcement present law.

ELMER W. HEALD
District Attorney, Imperial County

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 36—Relating to the refund of sales taxes.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 36, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 36

Assembly Concurrent Resolution No. 36—Relating to the refund of sales taxes.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kenny moved a call of the Senate.

Motion carried. Time, 11.42 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.44 a.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called.

Call of the Senate

Pending the announcement of the vote, Senator Kenny moved a call of the Senate.

Motion carried. Time, 11.45 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 37—Relating to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 37, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 37

Assembly Concurrent Resolution No. 37—Relating to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Phillips, Quinn, Shelley, Slater, Swan, and Ward—22.

NOES—Senators Keating, and Powers—2.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 41

Resolved, That the provisions of Senate Resolution No. 33, adopted January 18, 1942, relating to removal of employees from the pay roll and completion of the work of the session, are hereby adopted to apply to any recess of over three days of this extraordinary session as well as to final adjournment hereof; and be it further

Resolved, That the word "adjournment" as used in said Resolution No. 33 shall apply to adjournment for any recess in excess of three days as well as to final adjournment.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 11.47 a.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Concurrent Resolution No. 36 refused adoption by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Myhand, Quinn, Shelley, Swan, and Swing—17.

NOES—Senators Biggar, DeLap, Deuel, Dillinger, Garrison, Gordon, Judah, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Rich, Slater, Tickle, and Ward—17.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended:

Senate Concurrent Resolution No. 20

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered to unfinished business file.

RECESS

At 11.50 a.m., on motion of Senator Rich, the Senate recessed until 9.30 p.m.

REASSEMBLED

At 9.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

ADJOURNMENT

At 10 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., January 22, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, January 22, 1942

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Collier, on motion of Senator Rich.

Senator Jespersen, on motion of Senator Luckey.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Cooper, San Diego City Manager; Fred Simpson, member, San Diego City Council; Bert Vaughn, State Highway Commissioner, and Jacob Weinberger, San Diego City Attorney.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stanley Van Vleck of Sloughhouse, Sacramento County.

Call of the Senate

Senator Biggar moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 10.40 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the California Legislature.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 20?

Amendment No. 1

In lines 1 and 2 of the title of the printed measure, strike out "adjournment sine die", and insert "a recess".

Amendment No. 2

On page 1 of the printed measure, strike out line 4, and insert "recess at 11.55 p.m. o'clock on the twenty-first day of January, 1942, to reconvene at 2 o'clock p.m., on the first day of September, 1942; and be it further

Resolved, That in the event it appears to the Speaker of the Assembly and the President pro tempore of the Senate to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to the said first day of September, 1942, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the Speaker of the Assembly and the President pro tempore of the Senate. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in this notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each Member of the Senate at the home address for such Member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each Member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Concurrent Resolution No. 20 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.20 a.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 11.20 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.30 a.m., on motion of Senator Mayo, further proceedings under the call of the Senate were dispensed with.

RECESS

At 11.30 a.m., on motion of Senator Rich, the Senate recessed until 11.35 a.m.

REASSEMBLED

At 11.35 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 11.35 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the State Guard, providing for the privileges and rights of the State Guard, permitting members of the State Guard and applicants for membership to elect to be available for limited active service only, providing that such members shall constitute the reserve force of the State Guard and for their organization into units of the Home Guards as provided herein, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately;
And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1942, at 11 a.m.

RICH, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators DeLap, Keating and Parkman as a Senate Committee on Conference concerning Senate Concurrent Resolution No. 20 to meet a like committee of the Assembly.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly respectfully requests that Senate Bill No. 36 be returned to this body for further action.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

MOTION

Senator Quinn moved that Senate Bill No. 36 be returned to the Assembly for further action.

Motion carried.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 21

Senate Concurrent Resolution No. 21—Relating to the refund of sales taxes.

Resolution read.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed measure, strike out "available or may be made".

Amendment No. 2

On page 1 of the printed measure, strike out lines 11 to 14, inclusive, and insert "claims by verified records; and, be it further".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Call, Houser, Frederick F., and Bashore as a Committee on Conference concerning:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS**

The following resolution was introduced, and read:

Senate Concurrent Resolution No. 22: By Senators Biggar, Phillips and Crittenden—Relative to sale prices and containers of milk.

Request for Unanimous Consent

Senator Biggar asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 22, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 22

Senate Concurrent Resolution No. 22—Relative to sale prices and containers of milk.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swing, Tickle, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 22

And reports the same correctly engrossed.

RICH, Chairman

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 21—Relating to the refund of sales taxes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 36

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 36?

Amendment No. 1

On page 5, line 4, of the printed bill, strike out "5,000", and insert "7,000".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 36 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt the report of the Committee on Conference concerning:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 79

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Request for Unanimous Consent

Senator Mixter asked for, and was granted, unanimous consent to take up Assembly Bill No. 79, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Mixter:

Resolved, That Assembly Bill No. 79 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 79

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read second time.

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs Burns, Hugh M., Evans and Cain as a second Committee on Conference concerning:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 80

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bill No. 80, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 80 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 80

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 21

Senate Concurrent Resolution No. 22

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above resolutions ordered enrolled.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: The Committee on Conference concerning:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the resolution be further amended as follows:

Amendment No. 1

On page 1 of the printed measure, as amended in Assembly January 21, 1942, strike out line 5, and insert "recess at 6 o'clock p.m., on the twenty-second day of Janu-".

Amendment No. 2

On page 1, line 16, of the printed measure, as amended, strike out the period, and insert "; provided, however, that the President pro tempore of the Senate shall not exercise this authority nor join in such a call unless assent thereto is given by a majority of the members of the Senate Committee on Rules."

DE LAP
PARKMAN
KEATING

Senate Committee on Conference

CALL
HOUSER, FREDERICK F.
BASHORE

Assembly Committee on Conference

MOTION TO TABLE

Senator DeLap moved that the report of the Conference Committee Concerning Senate Concurrent Resolution No. 20 be laid on the table.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 38

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 38—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 38, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 38

Assembly Concurrent Resolution No. 38—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Senator Quinn:

Senate Resolution No. 42

Resolved, That the President of the Senate appoint a Committee of Three to notify the Governor that the Senate is ready to adjourn sine die the Fifty-fourth (First Extraordinary) Session of the Legislature pursuant to the provisions of Assembly Concurrent Resolution No. 38 and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Quinn, Garrison and Shelley.

By Senator Mayo:

Senate Resolution No. 43

Resolved, That the President of the Senate appoint a Committee of Three to notify the Assembly that the Senate is ready to adjourn sine die the Fifty-fourth (First Extraordinary) Session of the Legislature pursuant to the provisions of Assembly Concurrent Resolution No. 38 and to ask if the Assembly has any further communication to transmit to the Senate.

Resolution read, and adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Mayo, Luckey and Ward.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.50 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

REMARKS

Senator Swan asked that the record show the appreciation of the members for the leadership and helpfulness during this First Extraordinary Session of the President of the Senate, President pro tempore, members of the Committee on Rules, Senators Quinn, Seawell, Fletcher, Swing, Garrison and all who worked diligently to solve the problems before the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately;

Senate Concurrent Resolution No. 21—Relative to the refund of sales taxes;

Senate Concurrent Resolution No. 22—Relative to sale prices and containers of milk;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1942, at 6 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Bill No. 20

Senate Bill No. 24

Senate Concurrent Resolution No. 16

Assembly Concurrent Resolution No. 26

Assembly Concurrent Resolution No. 31

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

RICH, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Joint Resolution No. 2

Assembly Joint Resolution No. 24

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 32

Senate Bill No. 11

Senate Bill No. 33

Assembly Bill No. 45

Senate Bill No. 34

Assembly Bill No. 63

Senate Bill No. 10

Assembly Concurrent Resolution No. 14

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MIXTER, Chairman

APPROVAL OF JOURNALS

The Senate Journals of the Fifty-fourth (First Extraordinary) Session of Monday, January 12, 1942; Tuesday, January 13, 1942; Wednesday, January 14, 1942; Thursday, January 15, 1942; Friday, January 16, 1942; Saturday, January 17, 1942; Sunday, January 18, 1942; Monday, January 19, 1942; Tuesday, January 20, 1942, and Wednesday, January 21, 1942, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

MESSAGES FROM THE ASSEMBLY

At 5.55 p.m., a Committee from the Assembly, consisting of Messrs. Wollenberg, Russell and King, appeared at the bar of the Senate and announced that the Assembly was prepared to adjourn sine die.

REPORTS OF SPECIAL COMMITTEES

Senator Quinn, as Chairman of the Special Committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn sine die in accordance with Assembly Concurrent Resolution No. 38, reported that they had performed their duty.

Also:

Senator Mayo, as Chairman of the Special Committee appointed to inform the Assembly of the readiness of the Senate to adjourn sine die in accordance with Assembly Concurrent Resolution No. 38, reported that they had performed their duty.

APPROVAL OF MINUTES

The Minutes of this legislative day, Thursday, January 22, 1942, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returned without further action:

Senate Bill No. 2
Senate Bill No. 4
Senate Bill No. 5
Senate Bill No. 6
Senate Bill No. 7
Senate Bill No. 8
Senate Bill No. 12
Senate Bill No. 13
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Senate Bill No. 27
Senate Bill No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returned without further action:

Senate Concurrent Resolution No. 7
Senate Joint Resolution No. 3
Senate Joint Resolution No. 7
Senate Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

MOTION TO ADJOURN

Senator Swing moved that, pursuant to Assembly Concurrent Resolution No. 38, the Fifty-fourth (First Extraordinary) Session do now adjourn sine die.

Motion seconded by Senator Rich.

Motion carried.

FINAL ADJOURNMENT

Whereupon at 6 p.m., the President of the Senate declared the Fifty-fourth (First Extraordinary) Session of the Senate of the State of California adjourned sine die.

ROBERT G. ALDERMAN, Minute Clerk



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CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY
FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Friday, December 19, 1941

The Assembly met at 11 a.m., pursuant to the provisions of the Proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated December 16, 1941, convening the Legislature of the State of California on this day in extraordinary session.

Arthur A. Ohnimus, Chief Clerk of the Assembly for the Fifty-fourth Session, presiding.

ANNOUNCEMENT

Arthur A. Ohnimus, Chief Clerk of the Assembly, announced that, pursuant to the requirements of the Political Code, Section 237, the following officers of the Assembly of the Fifty-fourth Session of the Legislature were present and in their respective positions: Arthur A. Ohnimus, Chief Clerk; C. William Queale, Minute Clerk, and Wilkie Ogg, Sergeant-at-Arms.

ROLL CALL

The Chief Clerk directed the Assistant Chief Clerk to call the roll of Assemblymen.

The roll was called by Frank Reed, Assistant Chief Clerk, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Diekey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Garland, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—73.

Quorum present.

PRAYER

Prayer was offered by Rev. Thomas H. Markham, Chaplain of the Assembly for the Fifty-fourth Session.

PROCLAMATIONS OF THE GOVERNOR

The Speaker directed the Chief Clerk to read the Proclamations of the Governor convening the Legislature in extraordinary session.

Whereupon the Chief Clerk read the following Proclamations:

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened; now, therefore,

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session at Sacramento, California, on Friday, the nineteenth day of December, 1941, at 11 o'clock, a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation augmenting the appropriation for the operation, maintenance, and organization of the State Guard during the Ninety-third and Ninety-fourth Fiscal Years, and amending Sections 321, 340, 395, and 555, of the Military and Veterans Code, with respect to the pay, privileges, allowances, and rights for the State Guard.

2. To consider and act upon legislation augmenting the appropriation to the emergency fund specified in Item 216 of the Budget Act of 1941.

3. To consider and act upon legislation authorizing the use of public funds by counties, cities, and cities and counties, to meet emergencies caused by war or other public disaster.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this sixteenth day of December, A. D., 1941.

[SEAL]

CULBERT L. OLSON
Governor of California

Attest: PAUL PEEK, Secretary of State

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, December 19, 1941

WHEREAS, An extraordinary session of the Legislature of the State of California has been called under authority of Article V, Section 9, of the Constitution of the State of California to meet and assemble at Sacramento, California, on Friday, the nineteenth day of December, 1941, at 11 o'clock, a.m., of said day; now, therefore,

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, by virtue of the power vested in me by law, hereby, and prior to the time set for the convening of the Legislature on December 19, 1941, do issue this my Proclamation supplementing my Proclamation dated December 16, 1941, convening the Legislature to meet and assemble on December 19, 1941, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to wit:

4. To consider and act upon legislation authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations. This fourth subject is a modification of the third subject in the original call, and is added in order that legislation may be enacted under either of them, as may be deemed wise.

5. To approve or reject city charters and city charter amendments submitted to, approved and ratified by the electors under Sections 6, 8 and 8½, or any of them, of Article XI of the Constitution; to approve or reject county charters and county charter amendments submitted to, approved and ratified by the electors under Section 7½ of Article XI of the Constitution; and to approve or reject amendments to the charter of the City and County of San Francisco submitted to, approved and ratified by the electors of the city and county.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this nineteenth day of December, A. D., 1941.

[SEAL]

CULBERT L. OLSON
Governor of California

Attest: PAUL PEEK, Secretary of State

MOTION TO PRINT PRAYER IN JOURNAL

Mr. Evans moved that the following prayer, delivered by Rev. Thomas H. Markham be ordered printed in the Journal:

Motion carried.

Prayer

O Almighty and Everlasting God, we turn to Thee in this hour of darkness, and beseech Thee to bless our Nation as it engages in a world conflict. Our leaders publicly invoked with the light of Thy wisdom. With full confidence in Thee, we feel confirmed in Thy justice.

We pray Thee, Oh God of Might, Wisdom and Justice! Assist with Thy Holy Spirit of counsel and fortitude the President of the United States. We pray for His Excellency, the Governor of this State, for the members of our State Legislature. We recommend likewise to Thy unbounded mercy all our fellow citizens throughout the United States, especially those noble warriors in our armed forces. We pray Thee, O Lord of Mercy to remember the souls of our heroes who have already given their lives for this cause. They have gone before us with the Sign of Faith, and may they repose in the sleep of peace.

Grant us a just and holy victory, that we may be preserved in union, and in that peace which the world can not give; and after enjoying the blessings of this life, may we be admitted to those which are eternal. Amen.

COMMUNICATIONS

The following communications were received and read, and on motion of Mr. Field, ordered printed in the Journal:

(CABLE) HONOLULU, December 19, 1941

Gordon Garland

Speaker California State Assembly, Sacramento, California

Request unanimous consent be absent special session. Am representing House on Oahu front. Spirit and morale all hands very high, and acting in accordance with highest traditions of America. Am aware of Members' hard work in legislative matters, and have the utmost confidence in everybody including the third house. Could use all of you—particularly a chaplain, a bugler, an Ex-Marine and a certain yeoman. A big cheer and God bless all of you.

COOKE

TREASURE ISLAND, SAN FRANCISCO
December 19, 1941

*The Speaker, California State Legislature
Sacramento, California*

My father, whom I left December 14th in Honolulu, has asked me to convey to you gentlemen the information that the California Legislative Detachment was well represented in the defense of Pearl Harbor.

JOHN B. COOKE, JR.

SAN FRANCISCO, December 18, 1941

*Honorable Gordon Garland, Speaker of the Assembly
State Capitol, Sacramento, California*

On account of illness, am a patient in the Southern Pacific Hospital in San Francisco and will be unable to attend the Special Session of the Legislature. With best wishes to you and the Members of the Assembly.

Sincerely,

WILLIAM I. GUNLOCK

SAN FRANCISCO, December 18, 1941

*Honorable John Edward Cain, Member of the Assembly
State Capitol, Sacramento, California*

Kindly have me excused at the Special Session of the Legislature on account of illness. Am a patient at Southern Pacific Hospital in San Francisco. With best wishes. Sincerely yours.

WILLIAM I. GUNLOCK

LEAVES OF ABSENCE FOR BALANCE OF SESSION

The following members were granted leaves of absence for the balance of the session:

Mr. Cooke, on motion of Mr. Turner.

Mr. Gunlock, on motion of Mr. Cain.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day:
Mr. Fred N. Howser, on motion of Mr. Robertson.

MOTION TO SEND CABLEGRAM

Mr. Turner moved that the Chief Clerk be instructed to send a cablegram to Assemblyman Cooke and to Miss Kaydee McBride, extending Yuletide greetings from the Assembly, and notifying Assemblyman Cooke that he has been excused by unanimous consent for the balance of this First Extraordinary Session.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Mr. Maloney:

House Resolution No. 2

Resolved by the Assembly of the State of California, That the Speaker of the Assembly appoint a Committee of Three to inform the Senate that the Assembly is in session pursuant to the Proclamation of His Excellency, the Governor, dated the sixteenth day of December, 1941, and ready for the transaction of legislative business, with the following officers, to wit:

Hon. Gordon H. Garland	Speaker
Earl D. Desmond	Speaker pro tempore
Arthur A. Ohnimus	Chief Clerk
C. William Queale	Minute Clerk
Wilkie Ogg	Sergeant-at-Arms
Rev. Thomas H. Markham	Chaplain

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up House Resolution No. 2, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 2, the Speaker announced the appointment of Messrs. Lyon, Maloney and Dills, as such Special Committee.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate elected the following statutory officers:

President pro tempore	W. P. Rich
Secretary of the Senate	Joseph A. Beek
Sergeant-at-Arms	Joseph F. Nolan
Minute Clerk	Robert G. Alderman
Chaplain	H. W. Opperman

J. A. BEEK, Secretary of the Senate

RESOLUTIONS

The following resolution was offered:

By Mrs. Daley:

House Resolution No. 3

Resolved by the Assembly of the State of California, That a Special Committee of Five be appointed to wait upon His Excellency, the Governor, and inform him that the Assembly is organized and awaits any communication he may have to make to it.

Request for Unanimous Consent

Mrs. Daley asked for, and was granted, unanimous consent to take up House Resolution No. 3, at this time, without reference to committee. Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 3, the Speaker announced the appointment of Mrs. Daley, and Messrs. Dilworth, Knight, T. Fenton; Kilpatrick and Leonard, as such Special Committee.

COMMUNICATIONS

Communications from Edward Hyatt, State Engineer, on reports dated June 17, 1941, June 27, 1941, July 3, 1941, July 11, 1941, July 19, 1941, July 21, 1941, July 29, 1941, August 1, 1941, August 30, 1941, September 3, 1941, September 10, 1941, October 7, 1941 and October 10, 1941, pursuant to Chapter 1, Statutes 1940, Second Extra Session, as amended by Chapter 1, Statutes of 1940, Fourth Extra Session, were received and ordered filed with the Secretary of State.

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Senate appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

The Special Committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

MOTION TO APPOINT SPECIAL COMMITTEE

Mr. Desmond moved that a Special Committee of Three be appointed to invite the Senate to meet in Joint Convention with the Assembly at 12 noon, to hear from His Excellency, Governor Culbert L. Olson.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the motion by Mr. Desmond, the Speaker announced the appointment of Messrs. Desmond, Burns, Michael J., and Call, as such Special Committee.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 4

Resolved by the Assembly of the State of California, That until further notice the Standing Rules of the Fifty-fourth (Regular) Session, adopted January 14, 1941, and all amendments adopted thereto, excepting those adopted on June 14, 1941, be and the same are hereby adopted as the Rules of the Fifty-fourth (First Extraordinary) Session convened on December 19, 1941.

PERMANENT STANDING RULES OF THE ASSEMBLY FOR THE FIFTY-FOURTH FIRST EXTRAORDINARY SESSION—1941-1943**Hours of Meeting**

1. The session of Assembly, prior to the constitutional recess, shall be daily, beginning at 10 o'clock a.m. (Sundays excepted) unless otherwise ordered by a majority vote of the members present.

Following the constitutional recess, the Assembly shall meet promptly at 2 o'clock p.m., daily (Sundays excepted) and Mondays at the hour of 11 o'clock a.m., unless otherwise ordered by a majority vote of the members present.

Speaker to Call Assembly to Order

2. The Speaker, or in his absence, the Speaker pro tempore, shall take the Speaker's chair precisely at the hour appointed for meeting, and shall immediately call the Assembly to order. In the absence of both the Speaker and the Speaker pro tempore, the Chief Clerk, or his assistant, shall call the Assembly to order, whereupon a temporary chairman shall be elected from among the members to preside.

Roll Call and Quorum

3. Before proceeding with the business of the Assembly, the roll of the members shall be called, and the names of those present shall be entered on the Journal. A majority of all the members elected to the Assembly shall constitute a quorum for the transaction of business.

Order of Business

4. The order of business of the Assembly shall be as follows:

1. Roll Call
2. Prayer by the Chaplain
3. Reading of the Previous Day's Journal
4. Presentation of Petitions
5. Reports of Committees
6. Messages from the Governor
7. Messages from the Senate
8. Introduction and Reference of Bills
9. Business on the Daily File
10. Motions and Resolutions
11. Announcements
12. Adjournment

Pledge of Allegiance

4.5. On each Monday morning during the session, following the prayer by the Chaplain, the Members of the Assembly and its officers, attaches and employees present in the Assembly Chamber shall pledge their allegiance to the Flag of the United States of America.

Reading of the Previous Day's Journal

5. The reading of the Journal of the previous day may be dispensed with on motion by a majority of the members present.

Approval of the Journal

6. All Journals of the Assembly shall be corrected by the Minute Clerk and delivered by him to the Chief Clerk within seven calendar days from the date of such Journal. Such corrected Journals may thereafter be approved by a majority vote of the members present.

Motion to Correct Journal

7. A motion to correct any day's Journal shall be in order prior to the approval by the Assembly of such day's Journal. The approval of the Journal shall require a majority vote of the members present.

Presentation of Petitions

8. Whenever petitions, memorials or other papers are presented by a member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or be referred to a committee as the Speaker shall determine. Mention of receipt of such presentation and its disposition shall be entered on the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer such petition to committee.

Reports of Committees

9. Reports of standing and special committees shall be delivered to the Chief Clerk or an assistant. They shall be read and ordered printed on the Journal unless it is ordered otherwise by the Speaker or by a majority vote of the members present.

Messages From the Governor

10. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal unless otherwise ordered by the Speaker or a majority vote of the members present.

Messages From the Senate

11. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall

forthwith refer to the proper committee all Senate bills accompanying such messages, which reference shall be entered on the Journal. Assembly bills which have been passed without amendment by the Senate shall be ordered to enrollment.

Assembly bills amended by the Senate shall be ordered placed upon the unfinished business file.

Bills Defined

12. Wherever the word bill is used, it shall include constitutional amendments, concurrent and joint resolutions, except as otherwise specifically provided for in these Rules.

Introduction and Reference of Bills

13. Each bill shall be signed by the member, or each of the members, who is an author of the bill before it is introduced. If any bill is introduced which does not contain the signature of such author or co-author, the same shall be stricken from the file on motion of the member whose name appears thereon without such signature after the majority vote of the members. In each legislative session on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back again from Z to A, and as each member's name is called, he shall have the privilege of introducing one bill, constitutional amendment, concurrent or joint resolution.

After these two roll calls, any member desiring to introduce bills, constitutional amendments, concurrent and joint resolutions may at any time during a session send the same to the Clerk's desk. When received at the Clerk's desk, it shall, under the proper order of business, be numbered, read the first time, referred to a standing committee, be printed, and a copy placed upon the desk of each member.

All bills, constitutional amendments, concurrent and joint resolutions introduced before the standing committees of the Assembly are appointed, shall be referred to committees, references to take effect when the committees shall be appointed.

Introduction of Bills After Constitutional Recess

14. Any member requesting permission to introduce a bill except a resolution or constitutional amendment after the constitutional recess shall send such request together with the bill to the Clerk's desk, and shall under the order of "Introduction of Bills" be referred by the Speaker to the Committee on Introduction of Bills. The committee shall ascertain if the granting of such request will exceed the limitations as set forth in Section 2 of Article IV of the Constitution, and if it will not, shall report back on the same legislative day each bill so referred to it. The adoption of the report of the committee granting permission to introduce any bill shall require an affirmative recorded vote of three-fourths of all members elected to the Assembly.

Examining of Bills by Legislative Counsel Bureau

15. After introduction, all bills shall be delivered to the Legislative Counsel for the purpose of determining if the bill is in the proper form as prescribed by law or Assembly Rule. He shall have authority to correct any clerical error such as orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, and in any other particular wherein the bill does not comply in form with law or Assembly Rule. He shall have authority to correct any error in the title of an amendatory bill wherein it does not enumerate the sections added or amended of a particular act or code.

If in the opinion of the Legislative Counsel, any correction made by him under the authority of this Rule should in any manner be construed to be a change in the bill other than a change in form, he shall obtain the consent of the author of the bill before making such change.

Immediately upon the completion of the check of the bills referred to the Legislative Counsel in accordance with the provisions of this Rule, he shall deliver the bills to the State Printer. Under no circumstances shall the Legislative Counsel retain in his possession any bills referred to him under the provisions of this Rule for any period longer than two legislative days.

Daily File

16. There shall be printed an Assembly Daily File for each legislative day following the constitutional recess, or at any time prior thereto when ordered by the Speaker. The Committee on Rules shall have charge of the Daily File of the Assembly. The following listing shall constitute the order of the Daily File:

1. Special Orders of the Day
2. Second Reading, Assembly Bills
3. Second Reading, Senate Bills
4. Unfinished Business
5. Third Reading, Assembly Bills
6. Third Reading, Senate Bills

All bills on the Daily File shall be called for consideration in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the members present.

Motions and Resolutions

17. Any motion or resolution not otherwise provided for under the Rules shall be placed before the Assembly only under this order of business. Unless otherwise provided by law or Assembly Rule, any motion or resolution may be adopted by a majority vote of the members present.

Adjournment

18. Adjournment for the constitutional recess or adjournment *sine die* shall be ordered by concurrent resolution. The resolution for adjournment *sine die* shall be adopted by the Assembly not less than seven days before the date set therein for such adjournment.

Duties of Assembly Officers

Duties of the Speaker

19. The Speaker shall possess the powers and perform the duties herein prescribed:

(a) To preserve order and decorum; he may speak to points of order in preference to the other members, rising from his chair for that purpose.

(b) To decide all questions of order subject to appeal to the Assembly by any member. On every appeal, he shall have the right to assign his reason for his decision.

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by members as private offices.

(d) To name any member to perform the duties of the Speaker, but such substitutions shall not extend beyond adjournment.

(e) To appoint the membership of all standing and special committees.

(f) To propose a schedule of meetings of standing committees.

(g) To have general control and direction over the Journals, papers and bills of the Assembly.

(h) To act as Chairman of the Committee of the Whole.

(i) To order the lobby and gallery cleared whenever he shall deem it necessary.

(j) To assign desks to properly accredited newspaper representatives.

(k) To authenticate by his signature, when necessary, or when required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants and subpoenas issued by order of the Assembly.

Duties of the Speaker Pro Tempore

20. The Speaker pro tempore shall have the powers and perform the duties of the Speaker during his absence.

Duties of the Chief Clerk

21. The duties of the Chief Clerk shall be as follows:

(a) To have charge of and supervise all clerical business and printing of the Assembly.

(b) To see that the Journals, other publications and records of the Assembly are properly kept.

(c) To refuse to permit any records or papers to be taken from the desk or out of his custody, except upon duly signed receipts from persons authorized.

(d) To read or allow his assistants to read from the desk only such matter as the Speaker of the Assembly shall direct.

(e) To have general supervision over all clerks, attaches and employees, and to be responsible for their official acts and their performance of and regular attendance upon their duties.

(f) To suspend temporarily any clerk, attache or employee for incompetency or dereliction of duty, pending action by the Committee on Rules.

(g) To perform all other duties pertaining to his office as prescribed by law or Assembly Rule.

Duties of the Sergeant-at-Arms

22. The duties of the Sergeant-at-Arms shall be as follows:

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all processes issued by authority of the Assembly and directed by the Speaker; he shall receive his actual expenses for himself or for an assistant when executing any such process.

(b) To see that no person is admitted to the Assembly Chamber except in accordance with the provisions of these Rules.

(c) To have general supervision over the Assistant Sergeants-at-Arms and be responsible for their official acts and their performance of and regular attendance upon their duties.

(d) To suspend temporarily any Assistant Sergeant-at-Arms for incompetency or dereliction of duty, pending action by the Committee on Rules.

(e) To execute all commands of the Speaker.

(f) To perform all other duties pertaining to his office as prescribed by law or Assembly Rule.

Members' Decorum and Privileges

Order in Speaking to Questions

23. When a member desires to address the Assembly, he shall rise from his seat and respectfully address himself to "Mr. Speaker." Upon being recognized, he may speak, confining himself to the question under consideration.

No member shall speak more than once during the consideration of any one question on the same day and at the same stage of proceeding except that the author of a bill or resolution, or the mover of a question shall have the right to close the debate thereon. No member shall be allowed to speak more than 10 minutes to open and 5 minutes to close the debate thereon, and no member other than the author or the mover of the question shall be allowed to speak more than 5 minutes thereon. No member shall yield to any other member the time for which he is entitled to speak on any matter.

Speaker to Decide Who Is Entitled to Floor

24. When two or more members rise at the same time, the Speaker shall designate the member to speak first.

Members Called to Order for Transgressing Rules

25. If any member in speaking or otherwise, transgresses the Rules of the Assembly, the Speaker shall, or any member may call the offending member to order. The member so called to order shall immediately take his seat, unless permitted to explain; if called to order by a member, such member shall immediately state the point of order. The point of order shall be decided by the Speaker without debate. If the decision of the Speaker be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall be required to keep his seat. Every such decision by the Speaker shall be subject to an appeal to the Assembly.

Members Called to Order for Offensive Words

26. If any member be called to order for offensive words spoken in debate, the person calling him to order shall state to the Assembly the words to which exception is taken. No member shall be held to answer, or be subject to censure by the Assembly, for language used in debate, if other business shall have been transacted by the Assembly prior to exception being taken to the words spoken.

Members Voting

27. Every member actually in the Assembly Chamber when a roll call is required, shall record his vote openly and without debate, unless the Assembly shall, after he has stated his reasons for not doing so, excuse him. All motions to excuse a member shall be made before the Assembly divides, or before the recording of ayes and noes is commenced. Any member requesting to be excused from voting may make a brief oral statement of the reasons for such request, and the question shall then be decided without debate by a majority vote of the members present.

The name of any member who refuses to vote as required by this Rule after being requested by the Speaker to do so and who has not been excused from doing so shall be entered on the Journal of the Assembly, together with a statement that he was present and did so refuse to vote. Any member who refuses so to vote may, if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed on the Journal, provided no such explanation shall exceed 50 words in length.

In addition to the entry of his name on the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker.

Censure of a member as provided by this Rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to Section 9 of Article IV of the Constitution.

A member may submit a written explanation of his vote on any bill or House resolution, and have such explanation printed on the Journal immediately following such vote, provided no such explanation shall exceed 50 words in length.

Ayes and Noes

28. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, or by viva voce when demanded by three members or when ordered by the Speaker, and on any other question when called for by three members or ordered by the Speaker, the names of which members shall be entered in the Journal.

Voting Not to Be Interrupted

29. When once begun, voting shall not be interrupted, except that any member may have the total pending vote flashed on the visible vote recorder and except that any member may move a call of the Assembly, after the completion of the roll and prior to the final recording and announcement of the vote.

Changing Vote

30. Prior to the announcement of the vote, the Speaker shall inquire if all members have voted. After the vote is announced, no member shall be allowed to change his vote, or have his vote recorded.

Members at Clerk's Desk

31. No member or other person shall be allowed at the Clerk's desk while the ayes and noes are being recorded or the votes counted.

Tie Vote

32. In case of an equal division, or tie vote, the question shall be lost.

Call of the Assembly

33. After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly. A majority of the members present may order a call of the Assembly and the Speaker shall immediately order the Sergeant-at-Arms to lock all doors and shall direct the Clerk to prepare a list of absentees as disclosed by the last roll call. Thereupon no member shall be permitted to leave the Assembly Chamber except by written permission of the Speaker and no person shall be permitted to enter except such member as is taken into custody as herein provided, or Senators, officers, attaches or employees of the Legislature in the official performance of their duties.

Those members who are found to be absent and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant-at-Arms or his assistants, and brought to the Assembly Chamber. No recess or adjournment shall be taken during a call of the Assembly. During such call the Assembly may consider and transact any matter of business by unanimous consent. No call of the Assembly shall be ordered on any matter while the Assembly is already under call. A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, at which time the completion of the roll call pending when the call of the Assembly was ordered, shall become the immediate order of business before the Assembly.

Leave of Absence

34. No member shall absent himself from attendance at any session of the Assembly without leave of the Assembly, and no member shall obtain such leave of absence or be excused for nonattendance, except by a two-thirds vote of all members elected to the Assembly, or by unanimous consent.

Personal Privilege

35. Any member may rise to explain a matter personal to himself and shall forthwith be recognized by the Speaker, but shall not discuss a question in such explanation. Such matters of personal privilege yield only to a motion to recess or adjournment.

Objection to Reading of Any Paper

36. Any member upon recognition by the Speaker may object to the reading of any paper before the Assembly. After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker.

Assignment of Desks to Members

37. Members shall be assigned to desks by the Superintendent of Capitol Buildings and Grounds, and, so far as possible, he shall conform to the requests of members, giving due consideration to their seniority in point of service in the Assembly.

Motions and Questions*Precedence of Motions During Debate*

38. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

First—To adjourn;

Second—To recess to a time certain;

Third—To lay on the table;

Fourth—For the previous question;

Fifth—To set as a special order;

Sixth—To postpone indefinitely;

Seventh—To refer or re-refer;

Eighth—To amend.

Questions of Order Decided Without Debate

39. All incidental questions of order, arising after a motion is made for any of the questions named in Rule No. 38 and pending such motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

Appeal From Decision of the Speaker

40. Any member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken.

Upon the appeal being seconded, the Speaker may give his reasons for the decision, and shall forthwith put this question to the Assembly: "Shall the decision of the Speaker be sustained?"

An appeal can not be amended and yields only to a motion to recess or adjourn, to lay on the table, or a question of personal privilege. If an appeal be laid on the table, such action shall have no effect on the pending question.

An appeal can not be debated when relating to indecorum, transgression of Rules, or priority of business. A majority vote of the members present shall decide any appeal.

To Adjourn

41. A motion to adjourn is not debatable and can not be amended, and is always in order, except (a) when another member has the floor; (b) when the Assembly is voting; (c) during a call of the Assembly. The name of any member moving an adjournment and also the hour at which the motion was made and adjournment taken, shall be entered on the Journal. Such a motion to adjourn must be adopted by a majority vote of the members present.

When such a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. Such statement shall not occupy more than two minutes and shall not be debatable.

To Recess to a Time Certain

42. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that such motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

To Lay on the Table

43. A motion to lay on the table is not debatable and can not be amended.

A motion to table a bill, constitutional amendment, concurrent or joint resolution requires a majority vote of the entire elected membership.

Any motion to lay on the table, if carried by a majority vote of the entire elected membership, carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint or House resolution.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present.

The Previous Question

44. The previous question shall be put only when demanded by five members, and in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote only on the question then pending; except that the proponent of the matter pending shall be allowed not to exceed five minutes to close the debate.

Motion to Set Special Order

45. A motion to set any matter before the Assembly as a special order of business must be adopted by a two-thirds vote of the members elected. It is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

Motion to Postpone to a Time Certain

46. A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order.

Motion to Postpone Indefinitely

47. When a motion is made to postpone indefinitely any bill, motion or amendment, it opens the main question to debate. Should the motion to postpone

indefinitely prevail by a majority vote of the entire membership, the main question shall not be acted upon again during the session.

Motion to Amend

48. A motion to amend may itself be amended, but no "amendment to an amendment" can be amended. A motion to amend is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the members present.

A motion to amend having been decided in the negative, shall not again be in order on the same day, or at the same stage of proceeding. A motion to amend by striking out certain words having been decided in the negative, shall not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words; but in no case shall a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this Rule, a motion to amend is in order during the second or third reading of any bill.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present, as provided in Rule 43.

Amendment to Be Germane

49. No amendment to any bill, whether reported by a committee or offered by a member, shall be in order when such amendment relates to a different subject, or is intended to accomplish a different purpose, or requires a title essentially different from the original title of any bill.

No amendment shall be in order which adds or deletes the name of a member as an author or co-author, or which changes the original number of any bill.

Substitute Motion

50. A motion to substitute shall be deemed and treated as a motion to amend.

Motions in Writing

51. Upon request of the Speaker all motions shall be reduced to writing and shall be read by the Speaker before the same are acted upon.

Consideration of Motions

52. No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the Assembly by the Speaker.

Division of Questions

53. Any member may call for a division of the question, and the Speaker shall order the question divided if it comprehend propositions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the Assembly.

Resolutions

54. The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of a majority of all members elected to the Assembly. All House resolutions shall be numbered and shall be referred to the appropriate committee by the Speaker.

Withdrawal of Motions

55. After a motion is stated by the Speaker, or a bill, resolution or petition read by the Clerk, it shall be deemed to be in the possession of the Assembly.

Motion to Be Germane

56. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

Bills Reported Back to Assembly

57. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this Rule.

Motion to Withdraw and Recall Bills

58. A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference and shall require a recorded vote of a majority of the elected members.

No bill or resolution shall be withdrawn from committee and placed upon the File except upon two days' notice thereof and except by a recorded vote of a majority of the elected members.

Bills Stricken From Calendar

59. A motion to strike from the File any bill or House resolution requires a majority vote of the entire elected membership. Such bill shall not be acted upon again during the session.

Motion to Rescind Action and Expunge Record

60. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership. No motion to rescind the action and expunge the record shall be made twice on the same proposition.

Reference of Bills to Committee

61. Immediately following its first reading the Speaker shall refer each bill to a committee, unless upon a motion, the Assembly by a majority vote of its entire elected membership, shall refer it to some other committee. Such motion to refer a bill shall not be debatable. Should several different committees be proposed, preference shall be given as follows:

1. Committee of the Whole.
2. Standing Committee.
3. Special Committee.

Record of Bills

62. The Chief Clerk shall cause to be kept a permanent record of every action taken by the Assembly on every bill, and the date of such action. Every such action and the date thereof shall also be indorsed upon such bill.

Consideration of Constitutional Amendments, Concurrent and Joint Resolutions

63. Constitutional amendments, concurrent and joint resolutions may be amended by a majority of the members present and shall be treated the same as bills, except that they shall be read but once. The ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments or authorizing expenditures of money, unless regularly demanded or required by statute or by the Constitution.

Second Reading of Bills

64. All bills shall be read the second time in the order of their appearance upon the Second Reading File. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading.

Committee Amendments

65. Committee amendments reported with bills shall be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Assembly bills so amended shall be ordered reprinted and engrossed, and Senate bills so amended shall be ordered reprinted and to third reading.

Amendments From the Floor

66. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon the Third Reading File, shall be reprinted and all Assembly bills so reprinted shall be ordered re-engrossed. The Chief Clerk shall order printed not to exceed 1,000 copies of all amended bills.

Committee on Engrossment and Enrollment

67. It shall be the duty of the Committee on Engrossment and Enrollment to compare all bills, ordered or considered engrossed by the Assembly with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. The report of the Committee on Engrossment and Enrollment shall be in order at any time.

Engrossing and Enrolling Bills

68. The Engrossing and Enrolling Clerk shall engross and enroll all bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the Assembly.

Bills Transmitted to the Senate

69. Upon the final passage of any bill, if no notice of motion to reconsider such bill be given, the Speaker shall order the bill transmitted to the Senate under signature of the Chief Clerk. Senate bills refused passage shall forthwith be returned to the Senate under similar signature.

Bills Considered During Last Seven Days

70. No Assembly bill shall be passed by the Assembly within seven calendar days previous to the time set for adjournment *sine die* of the Legislature, except upon recommendation of the Speaker and permission to consider and vote on such bill being granted by a recorded vote of three-fourths of the entire elected membership of the Assembly.

Concurrence in Senate Amendments

71. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution. The vote on concurrence or upon the adoption of such free conference report of the Assembly shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

Nonconcurrence in Senate Amendments

72. If the Assembly refuse to concur in the Senate amendments to any Assembly bill, the Chief Clerk shall notify the Senate of such refusal and request the Senate to recede from its amendments. If the Senate so recede and notify the Assembly, the bill shall be forthwith ordered enrolled.

Committee on Free Conference

73. Should the Senate refuse to recede from its amendments and so notify the Assembly, the Speaker shall thereupon appoint three members as a Committee on Free Conference. If there be a minority vote on concurrence, two of such members shall be selected from those voting against concurrence and the third member shall be selected from those voting for concurrence. The Chairman of the Senate Committee on Free Conference for the same bill shall arrange the time and place of meeting of such committee. It shall require an affirmative vote of not less than four of the members constituting the Committee on Free Conference to agree upon a report and the report shall be submitted to both the Senate and Assembly. Such report is not subject to amendment and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed. No member who has served on a Committee on Free Conference shall be appointed a member of another Committee on Free Conference on the same bill. The presentation and consideration of any report of a Committee on Free Conference shall always be in order, except during a roll call or when a member has the floor. It shall require the same affirmative recorded vote to adopt any free conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to adopt any free conference report affecting any Assembly bill which contains an item or items of appropriation which are subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution.

The vote on concurrence or upon the adoption of such free conference report by the Assembly shall be deemed the vote upon final passage of such bill.

Enrollment

74. After final passage by both houses, any Assembly bill not amended by the Senate shall be forthwith ordered by the Speaker to be enrolled, as provided in Section 539 of the Political Code. The Committee on Engrossment and Enrollment shall report both the day and hour each enrolled bill is presented to the Governor, which report shall be entered on the Journal.

Committees*Standing Committees*

75. The standing committees of the Assembly shall be as follows:

1. A Committee on Agriculture, to consist of 17 members.
2. A Committee on Aviation and Aircraft, to consist of 11 members.
3. A Committee on Banking, to consist of 9 members.
4. A Committee on Building and Construction, to consist of 7 members.
5. A Committee on Building and Loan Associations, to consist of 7 members.

6. A Committee on Civil Service, to consist of 9 members.
7. A Committee on Commerce and Navigation, to consist of 9 members.
8. A Committee on Constitutional Amendments, to consist of 13 members.
9. A Committee on Contested Elections, to consist of 5 members.
10. A Committee on Corporations, to consist of 9 members.
11. A Committee on County Government, to consist of 15 members.
12. A Committee on Crime Problems, to consist of 7 members.
13. A Committee on Direct Legislation, to consist of 7 members.
14. A Committee on Education, to consist of 13 members.
15. A Committee on Elections, to consist of 11 members.
16. A Committee on Engrossment and Enrollment, to consist of 5 members.
17. A Committee on Exhibitions and Fairs, to consist of 7 members.
18. A Committee on Federal Relations, to consist of 7 members.
19. A Committee on Financial Institutions (other than banking and building and loan associations), to consist of 7 members.
20. A Committee on Fish and Game, to consist of 15 members.
21. A Committee on Governmental Efficiency and Economy, to consist of 15 members.
22. A Committee on Governmental Revenues and Expenditures, to consist of 5 members.
23. A Committee on Hospitals and Asylums, to consist of 11 members.
24. A Committee on Insurance, to consist of 13 members.
25. A Committee on Introduction of Bills, to consist of 5 members.
26. A Committee on Irrigation, to consist of 17 members.
27. A Committee on Judiciary Codes, to consist of 17 members.
28. A Committee on Judiciary General, to consist of 15 members.
29. A Committee on Labor and Capital, to consist of 13 members.
30. A Committee on Libraries, to consist of 5 members.
31. A Committee on Live Stock and Dairies, to consist of 9 members.
32. A Committee on Manufactures, to consist of 7 members.
33. A Committee on Medical and Dental Laws, to consist of 13 members.
34. A Committee on Mileage, to consist of 5 members.
35. A Committee on Military Affairs, to consist of 9 members.
36. A Committee on Mines and Mining, to consist of 9 members.
37. A Committee on Motor Vehicles, to consist of 15 members.
38. A Committee on Municipal Corporations, to consist of 13 members.
39. A Committee on Oil Industries, to consist of 13 members.
40. A Committee on Natural Resources, to consist of 11 members.
41. A Committee on Prisons and Reformatories, to consist of 11 members.
42. A Committee on Public Charities and Corrections, to consist of 9 members.
43. A Committee on Public Health and Quarantine, to consist of 13 members.
44. A Committee on Public Morals, to consist of 11 members.
45. A Committee on Public Utilities, to consist of 11 members.
46. A Committee on Revenue and Taxation, to consist of 15 members.
47. A Committee on River Navigation, Reclamation and Flood Control, to consist of 13 members.
48. A Committee on Roads and Highways, to consist of 15 members.
49. A Committee on Rules, to consist of 9 members, including the Speaker.
50. A Committee on Social Service and Welfare, to consist of 15 members.
51. A Committee on Soldiers and Sailors Affairs, to consist of 13 members.
52. A Committee on State Grounds and Parks, to consist of 7 members.
53. A Committee on State Colleges, to consist of 7 members.
54. A Committee on Unemployment, to consist of 13 members.
55. A Committee on Universities, to consist of 7 members.
56. A Committee on Ways and Means, to consist of 21 members.
57. A Committee on Reapportionment, to consist of 21 members.

Committee Quorum

76. A majority of the membership of any standing committee shall constitute a quorum for the transaction of its business. At least a majority of all members constituting such committee shall be required to report a bill out of committee.

Meetings of Standing Committees

77. All standing committees shall meet at the hour provided by schedule, unless otherwise ordered by the Assembly. Committees may hold such additional meetings as the chairman of the committee may deem necessary; provided, that no committee shall meet during any session of the Assembly without first obtaining permission from the Assembly.

Every scheduled committee meeting shall be open to the public, unless the committee by a majority vote of its entire membership shall order an executive session.

Standing Committee Rules

78. The Rules of the Assembly shall govern the conduct of all committee meetings whenever practicable. Each committee may adopt, by a majority vote of its entire

membership, such additional Rules as it may deem necessary for the conduct of any business referred to such committee.

Signing Bills Out of Committee

79. No bill shall be signed out of committee unless the committee has failed to hold a meeting on two consecutive scheduled dates, or having so met, has failed to have a quorum present for the transaction of business.

Committee Expenditures

80. No member or committee shall be permitted to incur any expense without first receiving the consent of the Assembly, except that the Chairman of the Committee on Ways and Means shall be allowed his actual expenses for the performance of any duties of his office during the constitutional recess.

Appointment of Attaches

81. The Committee on Rules shall recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attache or employee for incompetency or dereliction of duty, pending final action by the Assembly.

Committee on Ways and Means

82. The Committee on Ways and Means shall consider all bills to appropriate money, other than contingent expenses of the Assembly.

Whenever requested by the Assembly, the Chairman of the Committee on Ways and Means shall report the exact condition of legislation involving appropriations and the aggregate amount of all proposed appropriations pending before the committee. The committee may also report whenever necessary, their opinion as to the condition of the State revenues and expenditures.

Committee of the Whole

83. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the members present. The Speaker of the Assembly, or any member named by the Speaker, shall preside as Chairman of the Committee of the Whole. The Rules of the Assembly shall be observed in the Committee of the Whole so far as they may be applicable, except that the yeas and noes need not be taken.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order, and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairman, but shall not be entered on the Journal except upon motion and a majority vote of the members present.

Reconsideration of Vote

84. Notice of a motion to reconsider on the next legislative day, the vote whereby any bill, constitutional amendment, concurrent or joint resolution was passed or refused passage, must be given on the same day such vote to be so reconsidered was taken.

A notice of motion to reconsider a vote must be given by a member voting on the bill, constitutional amendment, concurrent or joint resolution, and shall take precedence over all motions, except a motion to adjourn. Upon such notice of motion being given, the bill, constitutional amendment, concurrent or joint resolution shall forthwith be placed upon the Unfinished Business File, and no further action shall be taken prior to the next legislative day. When a notice of a motion to reconsider has once been made, the same shall be considered to be the property of the Assembly. The notice of motion to reconsider may be called up by any member on the next legislative day after the notice of reconsideration of the bill, constitutional amendment, concurrent or joint resolution has been given.

Any member voting on any motion, amendment, concurrence, recedence, Assembly resolution or proposition other than a bill, constitutional amendment, concurrent or joint resolution, may give notice of reconsideration of the vote whereby the same was passed or refused passage on the same day such vote to be reconsidered was taken, which notice shall suspend all further consideration until the next legislative day; provided, however, that a motion to reconsider on the same day the notice was given shall take precedence over and above such notice and upon demand of any member must be put to an immediate vote. A motion to reconsider any proposition other than a bill, constitutional amendment, concurrent or joint resolution shall require an affirmative recorded vote of a majority of the entire elected membership.

No notice of motion for reconsideration shall be in order on the day preceding the last day for consideration of Assembly or Senate bills in the Assembly. No motion to reconsider shall be adopted except upon an affirmative recorded vote of a majority of the entire elected Assembly membership, except that constitutional amendments to be so reconsidered shall require an affirmative recorded vote of two-thirds of the entire Assembly elected membership.

When reconsideration is granted, the bill shall resume its exact position before the Assembly previous to its being voted upon.

Printing

Authority for Printing

85. The State Printer shall not charge any printing or other work to the Assembly other than provided by law or Assembly Rule, except upon a written order signed by the Chief Clerk of the Assembly and countersigned by the Chairman of the Committee on Rules or by the Speaker, and delivered to him prior to beginning such printing or work. All invoices for printing furnished the Assembly shall be rendered by the State Printer within 30 days after completion of said printing. When necessary, the Chief Clerk may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

Printing Style, Form and Amount to Be Printed

86. Unless otherwise restricted by law or by Assembly Rule, the style and form of all printing, the quality of paper to be used, and the number of copies to be printed of each order, shall be decided by the Chief Clerk and approved by the Speaker or Chairman of Committee on Rules. All requests by members for additional copies of bills, documents or other printed matter shall be referred to the Committee on Rules.

Printing Assembly History

87. The Chief Clerk shall cause to be compiled and printed during the constitutional recess, a Legislative Handbook and a Semi-Final Assembly History, together with an index, setting forth a complete History showing all actions on bills, constitutional amendments, concurrent, joint and house resolutions prior to the constitutional recess.

During the remainder of the session, the Chief Clerk shall cause to be printed and placed upon each member's desk prior to convening on Monday of each week, a complete History showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of such Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History.

Printing of Maps

88. Maps or charts accompanying documents other than bills shall not be printed without special authority from the Assembly by a majority vote of its entire elected membership.

Rules

Adoption of Standing Rules

89. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the entire elected membership. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these Rules.

Parliamentary Rules

90. Roberts Rules of Order shall be the recognized authority on all occasions when the Assembly Rules are not applicable.

Suspension of Rules

91. Unless otherwise specifically provided by law or Assembly Rule, any Standing Rule of the Assembly may be suspended temporarily by a vote of two-thirds of the members present; provided, that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

Amending Standing Rules

92. No Standing Rule of the Assembly shall be amended except by an affirmative recorded vote of a majority of the entire elected membership of the Assembly and one day's notice must be given on the motion thereof.

Temporary Rule

93. The Committee on Rules may at any time report a temporary Rule. Upon adoption by an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly, such temporary Rule shall have the effect for the time being, of a Standing Rule. If such temporary Rule shall be in conflict with a Standing Rule, it shall supersede such Standing Rule only for the time being.

A motion proposing to increase or diminish the membership of a standing committee or the number of standing committees, shall not be considered until the same shall have been referred to and approved by the Committee on Rules.

Miscellaneous

Press Privileges

94. Newspaper correspondents desiring Assembly press cards and privileges shall make written application to the Speaker. The Assembly by a majority vote of the members present may revoke any press card.

The Speaker shall assign the Assembly press desks; also the necessary rooms for the exclusive use of such accredited press representatives.

Privilege of Addressing the Assembly

95. No person other than a member of the Assembly shall be permitted to address the Assembly except in the Committee of the Whole.

Smoking in Assembly Chamber

96. Smoking may be prohibited temporarily during any session of the Assembly by a majority vote of the members present.

Fees for Witnesses

97. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of five dollars (\$5) for each day such witness shall be required to appear, and the sum of three and one-half cents (\$.03½) for each mile he shall travel in coming to and going from the place of examination.

Use of Assembly Chamber

98. The Assembly Chamber shall not be used for any public or private business other than legislative matters, during the sessions of the Legislature, except by consent of a majority of the entire elected membership of the Assembly.

Persons Admitted to Floor of the Assembly

99. No persons other than members, officers, attaches, employees of the Legislature, former members of the Legislature, and accredited members of the press, shall be admitted to the floor of the Assembly during any session of the Assembly; provided, that a guest of any member shall be admitted, upon presentation of a guest card of said member, countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued.

All guests shall be seated only in the chairs in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the press desks. A special section in the balcony shall be reserved for those holding guest cards.

Lobbying in the Assembly Chamber

100. All persons appearing, or being, or desiring to appear, or be, at or in the Assembly Chamber, or at or in any committee room of the Assembly for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Assembly, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Assembly upon any such bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this Rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

This Rule shall not apply to members of either house of the Legislature, to elected State officers, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person shall appear at or enter the Assembly Chamber, or any committee room of the Assembly, for the purpose of advocating the adoption or defeat of any bill, measure or resolution, without first having registered and secured the certificate, as herein provided.

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session; and any person transgressing this Rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this Rule. This Rule can not be suspended except by a two-thirds vote of the entire elected membership of the Assembly.

Speaker Explains Order of Business

101. The Speaker may, on his own motion or upon the motion of any member of

the Assembly, explain the order of business when the motion pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes.

Admission to Assembly Chamber

102. Persons admitted to the Assembly Chamber, other than members and attaches, shall not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

LYON, Chairman

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 4, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M. Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Leonard, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

APPOINTMENT OF STANDING COMMITTEES

The Speaker announced that the standing committees of the Fifty-fourth (Regular) Session would be the standing committees of the Fifty-fourth (First Extraordinary) Session.

RESOLUTIONS

The following resolutions were offered:

By the Committee on Rules:

House Resolution No. 5

MR. SPEAKER: Your Committee on Rules respectfully begs to report that it has carefully considered the applications for the various positions and desires to submit the following resolution:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

<i>Commencing Friday, December 19, 1941</i>	<i>Per day</i>
Arthur A. Ohnimus, Chief Clerk	\$10 00
Frank Reed, Assistant Chief Clerk	9 00
C. William Queale, Minute Clerk	9 00
Charles W. Robbins, Engrossing and Enrolling Clerk	7 00
Harold Lewright, Assistant Clerk	7 00
Juanita L. Dependener, Assistant Clerk	7 00
Nina Ronstadt, Assistant Clerk	7 00
Irene Mosher, Assistant Clerk	7 00
Wilkie Ogg, Sergeant-at-Arms	8 00
Rev. Thomas H. Markham, Chaplain	4 00
Leonora Trethowan, Stenographer	5 00
Clare Foot, Stenographer	5 00
Pete Finney, Assistant Sergeant-at-Arms	5 00
Ed. Nathan, Assistant Sergeant-at-Arms	5 00
William C. Coffman, Page	2 50
Louis Desmond, Page	2 50

Resolved, further, That the compensations of the above named attaches shall be on a seven-day per week basis.

LYON, Chairman
Committee on Rules

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Del Mutolo, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallich, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None.

By Mr. Pfaff:

House Resolution No. 6

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same.

District	Name	Address	Distance from county seat, more	Distance from county seat, less	Mileage one way from county seat	Total mileage	Amount at 5 cents per mile
1	Michael J. Burns	Eureka, Humboldt County	312	--	312	624	\$31 20
2	Lloyd W. Lowrey	Rumsey, Yolo County	23	36	59	118	5 90
3	Seth Millington	Gridley, Butte County	86	--	14 72	144	7 20
4	Ernest C. Crowley	Suisun, Solano County	48	--	--	96	4 80
5	Allen G. Thurman	Colfax, Placer County	37	17	54	108	5 40
6	Richard H. McCollister	Mill Valley, Marin County	105	8	113	226	11 30
7	John Edward Cain	Sacramento, Sacramento County	--	--	--	--	--
8	Earl D. Desmond	Sacramento, Sacramento County	--	--	--	--	--
9	Harold F. Sawallich	Richmond, Contra Costa County	62	22	84	168	8 40
10	Charles M. Weber	Stockton, San Joaquin County	48	--	--	96	4 80
11	James E. Thorp	Lockeford, San Joaquin County	48	--	3 45	90	4 50
12	Randal F. Dickey	Alameda, Alameda County	89	5	--	178	8 90
13	Bernard A. Sheridan	Oakland, Alameda County	84	--	--	168	8 40
14	Arthur W. Carlson	Piedmont, Alameda County	84	--	--	168	8 40
15	Henry P. Meehan	Oakland, Alameda County	84	--	--	168	8 40
16	James H. Phillips	Oakland, Alameda County	84	--	--	168	8 40
17	Gardiner Johnson	Berkeley, Alameda County	84	--	1 83	166	8 30
18	Thomas A. Maloney	San Francisco, San Francisco County	90	--	--	180	9 00
19	John D. Welch	San Francisco, San Francisco County	90	--	--	180	9 00
20	George D. Collins, Jr.	San Francisco, San Francisco County	90	--	--	180	9 00
21	Dan Gallagher	San Francisco, San Francisco County	90	--	--	180	9 00
22	Edward F. O'Day	San Francisco, San Francisco County	90	--	--	180	9 00
23	Melvyn I. Cronin	San Francisco, San Francisco County	90	--	--	180	9 00
24	Edward M. Gaffney	San Francisco, San Francisco County	90	--	--	180	9 00
25	Albert C. Wollenberg	San Francisco, San Francisco County	90	--	--	180	9 00
26	Robert Miller Green	San Francisco, San Francisco County	90	--	--	180	9 00
27	Harrison W. Call	Redwood City, San Mateo County	119	--	--	238	11 90
28	Byrl R. Salsman	Palo Alto, Santa Clara County	128	18	146	292	14 60
29	M. G. Del Mutolo	San Jose, Santa Clara County	128	--	--	256	12 80
30	Hugh P. Donnelly	Turlock, Stanislaus County	77	14	91	182	9 10
31	George A. Clarke	LeGrand, Merced County	114	15	129	258	12 90
32	Jacob M. Leonard	Hollister, San Benito County	173	--	--	346	17 30
33	Fred Weybret	Soledad, Monterey County	208	44	252	504	25 20
34	Hugh M. Burns	Fresno, Fresno County	169	--	--	338	16 90
35	S. L. Heisinger	Fresno, Fresno County	169	--	--	338	16 90
36	Gordon H. Garland	Woodlake, Tulare County	206	16	222	444	22 20
37	Alfred W. Robertson	Santa Barbara, Santa Barbara County	460	--	--	920	46 00
38	Rodney L. Turner	Delano, Kern County	278	--	30 248	496	24 80
39	Everett G. Burkhalter	North Hollywood, Los Angeles County	447	--	--	894	44 70
40	C. Don Field	Glendale, Los Angeles County	447	--	10 437	874	43 70
41	John B. Pelletier	Los Angeles, Los Angeles County	447	--	--	894	44 70
42	Thomas J. Doyle	Los Angeles, Los Angeles County	447	--	--	894	44 70
43	Jack B. Tenney	Inglewood, Los Angeles County	447	10	457	914	45 70
44	Eleanor Miller	Pasadena, Los Angeles County	447	13	460	920	46 00
45	T. Fenton Knight	La Canada, Los Angeles County	447	16	463	926	46 30
46	Lee T. Bashore	Glendora, Los Angeles County	447	26	473	946	47 30
47	Gerald C. Kepple	Whittier, Los Angeles County	447	15	462	924	46 20

Amount at 5 cents per mile	Total mileage	Mileage one way	Distance from county seat, less	Distance from county seat, more	Distance from county seat	Name	Address
						52 William H. Poole	Bell, Los Angeles County
						53 Frederick F. Houser	Alhambra, Los Angeles County
						54 John B. Knight	Los Angeles, Los Angeles County
						55 Vernon Kilpatrick	Los Angeles, Los Angeles County
						56 Norris Poulson	Los Angeles, Los Angeles County
						57 Franklin J. Potter	Los Angeles, Los Angeles County
						58 Frank J. Waters, Jr.	Los Angeles, Los Angeles County
						59 Charles W. Lyon	Los Angeles, Los Angeles County
						60 Jesse Randolph Kellems	Los Angeles, Los Angeles County
						61 Ernest O. Voigt	Los Angeles, Los Angeles County
						62 Augustus F. Hawkins	Los Angeles, Los Angeles County
						63 Don A. Allen	Los Angeles, Los Angeles County
						64 Roger Alton Pfaff	Los Angeles, Los Angeles County
						65 John W. Evans	Los Angeles, Los Angeles County
						66 Jack Massion	Los Angeles, Los Angeles County
						67 Cecil R. King	Los Angeles, Los Angeles County
						68 Vincent Thomas	San Pedro, Los Angeles County
						69 Ralph C. Dills	Compton, Los Angeles County
						70 Lorne D. Middough	Long Beach, Los Angeles County
						72 Godfrey A. Andreas	Upland, San Bernardino County
						73 Frank C. Russell	Crestline, San Bernardino County
						74 Clyde A. Watson	Orange, Orange County
						75 Sam L. Collins	Fullerton, Orange County
						76 Nelson S. Dilworth	Hemet, Riverside County
						77 Harvey E. Hastain	Brawley, Imperial County
						78 Jeanette E. Daley	San Diego, San Diego County
						79 Paul A. Richie	San Diego, San Diego County
						80 Charles W. Stream	Palm City, San Diego County

Amount at 10 cents per mile	Total mileage	Mileage one way	Distance from county seat, less	Distance from county seat, more	Distance from county seat	Name	Address
						Arthur A. Ohnimus	San Francisco, San Francisco County
						C. William Queale	Fullerton, Orange County

Request for Unanimous Consent

Mr. Pfaff asked for, and was granted, unanimous consent to take up House Resolution No. 6, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Del Muzolo, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Johnson, Kellems, Kepple, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

By Mr. Lyon:

House Resolution No. 7

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of Arthur A. Ohnimus, Chief Clerk, and the State Treasurer is hereby directed to pay the same, for the sum of one hundred fifty dollars (\$150), said amount being for the payment of postage, telegraphing, expressage and incidental expenses of the Chief Clerk's Office.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 7, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Del Mutolo, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—None.

COMMUNICATIONS

The following communication was received, and on motion of Mr. Turner, ordered printed in the Journal:

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS

WASHINGTON, July 5, 1941

Mr. Arthur A. Ohnimus, Chief Clerk
Assembly, California Legislature

Assembly Chamber, State Capitol, Sacramento, California

DEAR MR. OHNIMUS: The Department has received by reference from the White House your letter of June 18, 1941, together with a copy of Assembly Joint Resolution No. 33, adopted on June 13, 1941, by the California State Legislature, urging the President and Congress to make available Federal funds for the extension of existing flood control works along the Los Angeles River.

I am pleased to inclose herewith for your convenient reference a copy of House Document No. 838, Seventy-sixth Congress, Third Session, which contains the Department's report dated June 11, 1940, on its authorized investigation for flood control on the Los Angeles and San Gabriel Rivers and their tributaries and Ballona Creek. You will note by reference to the map at the back of the inclosed document a number of improvements recommended by the Department as extensions to the existing project for flood control in that area. These extensions are shown by angled cross-hatching.

Although this report recommending extensions to the existing project for flood control in the Los Angeles County Drainage Area has been submitted to Congress, the Department does not at the present time have the necessary Congressional authority for the construction of those extensions. I am pleased to inform you, however, that the Flood Control Bill, H. R. 4911, which was introduced in the House of Representatives on May 29, 1941, by Representative Will M. Whittington of Mississippi contains an item approving the general comprehensive plan for flood control and other purposes in the basins of the Los Angeles and San Gabriel Rivers and Ballona Creek as set forth in House Document No. 838, and authorizing \$25,000,000 for the partial accomplishment of that plan, in addition to previous authorizations. As you may know, that bill was passed by the House of Representatives on June 20, 1941, and is now before the Senate Commerce Committee.

The Department appreciates the interest of the California State Legislature in its flood control work in the Los Angeles area. You may be assured that when the authorization contemplated by the bill, H. R. 4911 is provided, this Department is fully prepared to undertake the construction of the works recommended by it in the aforementioned report as rapidly as funds for that purpose are made available by Congress.

For the Chief of Engineers:

Very respectfully,

MILES REBER, Major, Corps of Engineers
Assistant Chief, Construction Section

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that all bills, as introduced, would be read the first time, and then referred to the Legislative Counsel Bureau to determine whether or not they be within the scope of the Governor's Proclamation.

There being no objection to this procedure, such was the order.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, read the first time, and referred to the Legislative Counsel Bureau:

Assembly Bill No. 1: By Messrs. Pfaff, Voigt, Kellems, Maloney, Burns, Michael J., Knight, John B., Thomas, McCollister, Green, Hastain, Call, Dickey, Salsman, Crowley, Leonard, Poulson, Waters, Thurman, Phillips, Gallagher, Wollenberg, Collins, George D., Gaffney, Johnson, Cronin, Tenney and Mrs. Daley—An act augmenting the Emergency Fund to provide money for the California Maritime Academy, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 2: By Messrs. Middough, Tenney and Evans—An act to add Section 554.5 to the Military and Veterans Code, relating to the use of the State Guard, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 3: By Messrs. Middough, Tenney, Kellems and Evans—An act to add Section 553.5 to the Military and Veterans Code, relating to membership in the State Guard, declaring the urgency hereof and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 4: By Mr. McCollister—An act to amend Section 555 of, and to add Sections 555.2, 555.4 and 555.6 to, the Military and Veterans Code, relating to the privileges, rights and discipline of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

APPOINTMENT OF JOINT COMMITTEE CHAIRMAN

The Speaker announced the appointment of Mr. Millington as Chairman of the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 1: By Mr. Doyle—Relative to punishment for felonies.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 2: By Messrs. Carlson, Dickey, Phillips, Johnson, Sheridan, Meehan, Middough, Tenney, Garland and Kellems—Relative to the death of James M. Cassidy.

Request for Unanimous Consent

Mr. Carlson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 2, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 2

Assembly Concurrent Resolution No. 2—Relative to the death of Assemblyman James M. Cassidy.

Resolution read and adopted unanimously.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 3: By Messrs. Gallagher, Green, Cronin, Maloney, Welch, Gaffney, Collins, George D., Wollenberg and O'Day—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Request for Unanimous Consent

Mr. Gallagher asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3

Assembly Concurrent Resolution No. 3—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—69.

NOES—None.

Resolution ordered transmitted to the Senate.

RECESS

At 12 m., the Assembly was declared at recess to meet with the Senate in Joint Session.

JOINT SESSION

ASSEMBLY CHAMBER, SACRAMENTO

Friday, December 19, 1941

At 12 m., the Senate and the Assembly met in Joint Convention.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

APPOINTMENT OF COMMITTEE OF ESCORT

Hon. Ellis E. Patterson, President of the Senate, appointed Senators Judah, Kenny and Cunningham to escort His Excellency, Culbert L. Olson, Governor of the State of California, to the bar of the Assembly.

Hon. Gordon H. Garland, Speaker of the Assembly, appointed Assemblymen Daley, Leonard, Dilworth, Knight, T. Fenton and Kilpatrick to escort His Excellency Culbert L. Olson, Governor of the State of California, to the bar of the Assembly.

REPORT OF COMMITTEE OF ESCORT

The Senate and Assembly Committee of Escort appeared at the platform in company with His Excellency, Culbert L. Olson, Governor.

REMARKS BY SPEAKER GARLAND IN PRESENTING GOVERNOR OLSON

The Speaker addressed the Joint Convention as follows:

Governor Olson, Lieutenant Governor Patterson, President of the Senate William Rich, Members of the Senate, Members of the Assembly, our guests and friends:

Many times in the past, the Legislature of this State has met in extraordinary session to consider serious and weighty problems, but never before has the Legislature been called upon to consider matters which so vitally affect the welfare of every one of us and the well being of every home in this State and Nation. This is a time when those of us who are charged with the responsibility of passing the laws under which we must live must lay aside any petty political or partisan differences we may have had in the past and we must stand united and be of one accord in the protection of our Country.

I know from talking with practically every Member of the Legislature that we are prepared to make whatever personal sacrifice seems necessary in order to thoroughly consider the matters which the Governor has proposed in his Proclamation. As we approach our duty, in the consideration of these matters, I am sure there will be no serious contention among us, but rather that we will all be imbued with the spirit of cooperation and that we are possessed of a keen desire to do that which is necessary and essential to the welfare of our State and Nation.

Let us remember that we come to Sacramento to perform our duty as American citizens and not as members of any political party. There is only one party in America today and that is the American Party.

Never in the history of our Country has leadership been needed more than now; leadership coupled with efficiency and competency will result in unity of the people. Our President has already given a splendid exhibition of fine leadership in the manner in which he is handling the difficult problems arising from the crisis.

The people of California are a courageous people. They have met emergencies in the past. We can recall catastrophes which have occurred in this State such as the fire and earthquake in San Francisco when that city Phoenix-like rose from its ruins to a finer and more beautiful city than before; we witnessed the breaking of the dam in Ventura County and the many deeds of heroism performed during that catastrophe. These and many other experiences have given us just cause to be proud of being Californians. That same spirit prevails today and it is that spirit which will see us through the present conflict. No man or group of men is big enough to fight this war alone. It is in the spirit of a people united that I am sure this Legislature approaches the duty which lies ahead.

INTRODUCTION OF GOVERNOR CULBERT L. OLSON

Governor Culbert L. Olson was then presented to the Joint Convention by Hon. Gordon H. Garland, Speaker of the Assembly.

REMARKS BY GOVERNOR OLSON

Governor Culbert L. Olson addressed the Joint Convention as follows:

Governor's Message to Legislators

Members of the Senate and the Assembly of the California Legislature

Protection of life and property in California by agencies of the State Government in the present serious state of emergency required the calling of this special session of the Legislature. The need of funds to support the State Guard, a large portion

of which is now in service, and for augmentation of the State Emergency Fund, is so urgent that I did not dare risk delay in calling you into extraordinary session to appropriate funds for these emergency needs.

State Guard: Your Act of June 17, 1941, directed the Governor "to organize and maintain a State Guard with a minimum numerical strength of 10,000 persons and not to exceed such maximum numerical strength as the Governor may prescribe." This act was passed in recognition of the fact, as stated in its urgency clause, that "An emergency exists in the United States and the State of California in providing adequate armies and facilities for defense. A large rearmament program is also under way, in which the manufacturing, airplane, shipbuilding and other plants of this State are taking their part. The National Guard, which has heretofore been available to this State as an organization for the defense and for the guarding of such plants and other places of strategic and Military value is being called into the service of the United States and many units thereof have already left the State in such service. It is therefore necessary that steps be taken to provide troops to take their place and to make the unorganized Militia more readily available for defense in this emergency and for the guarding of such plants and places of Military and strategic value." And under Section 554 of the Military and Veterans Code, the Guard may be called into active service of the State for the causes and purposes for which the Governor could call the National Guard into service before it was inducted into the Federal Army.

Pursuant to direction of the Act of June 17, 1941, I caused the State Guard to be organized with volunteer enlistments until its numerical strength exceeded 10,000 persons. On the seventh of this month, the date our Country was drawn into actual war by the Japanese attack, the numerical strength of the Guard was approximately 15,000 persons. On that same day I was requested by the War Department of the United States to call the Guard into service to provide troops for the guarding of plants and places of Military and strategic value in this State. At the same time I called for volunteers of 10,000 additional men, and within a week that additional number had enlisted in the Guard, and applications made by additional thousands for enlistment. The present strength of the Guard is, therefore, now 26,500 officers and men. Guard troops have been furnished, and a large portion of the personnel of the Guard is now on duty in the protection of plants and places of Military and strategic value, and resources and utilities vital to civilian welfare and public safety. Such requests for Guard protection have come not only from United States Army and Navy sources, but also from local governments for the protection of vital municipal utility supply plants. Response to these emergency calls for the services of the State Guard may, for an indefinite period, require the calling of all of its present personnel to active duty. Whether the full present strength of the Guard will be required on duty throughout the next year or during the rest of this biennium, or when, if at all, the Federal Government may make provision for guard duty at plants and places of Military and strategic value in this State, I do not know. Nor could anyone know definitely at this time. But it is certain that plants and places of Military and strategic value are also plants and places of great value to the State, as well as are other plants and places requiring protection from destruction.

I have called upon The Adjutant General to furnish me a budget of the financial requirements for the maintenance of the Guard, and he has furnished me with such a budget, predicated on activation of the full present strength of the Guard for a period of one year. The total amount of this budget is \$37,090,881; \$5,478,000 of which is predicated upon amendments to the Sections of the Military Code mentioned in Item 1 of your call to this special session. Under the present Military Code, officers of the Guard, while on duty, are entitled to the same pay and allowance as officers of equal rank in the Army and Navy of the United States. All other personnel, including noncommissioned officers, as well as privates, are entitled to receive \$2 per day while on duty. Proposed amendments of these sections of the Military Code, would provide a step up in the pay allowances to the ranks of noncommissioned officers above that allowed privates, ranging from \$720 per year to privates, to \$1,080 per year for first sergeants, and would provide for allowances to dependents, measured by that provided for dependents of enlisted men in the United States Army.

I am hoping and anticipating that the full present strength of the Guard may not be required on full-time duty throughout the coming year. I am hoping and anticipating, too, that the Federal Government will realize, before the end of the year, that it would be calling too severely on the financial resources of California to provide a military guard for all of our resources, plants and utilities, and that as we settle down to continuing war conditions, provision may be made by the Federal Government for a large part of such guarding service. I have already taken this matter up with the War Department and the President, and it is receiving their attention.

Therefore, I recommend that at this time the Legislature appropriate, for pay allowances and maintenance to the State Guard, while in service, and for any substantial allowance that may be provided by amendments to the Military Code of the sections mentioned in the call, and for equipment, a total of at least \$17,500,000, to be used as may be needed during the rest of the current biennium.

An appropriation for active duty by the Guard is in the nature of emergency appropriation, because the Guard is in no sense to be maintained as a standing Army. It is an organized part of the State Militia, ready to be called to active duty as emergencies require, and to receive allowances for maintenance only while on active duty.

And I recommend that you also appropriate the further sum of \$9,250,000 to the regular State Emergency Fund. The appropriation to this fund for the current biennium in Item 216 of Section 2 of the Budget Act of 1941, was \$1,000,000 of which \$750,000 remains unexpended or unallotted.

It is impossible at this time to state the exact amounts required by any department or office of the State to meet war emergency needs for an expansion of its services. Provision must be made to purchase items of equipment which will require time to fabricate. The exact volume of such equipment can not be determined precisely at the moment. The element of time and the readiness required to act, providing for the needs of this type as they become manifest, do not allow for delay in making funds available.

Some of the more important emergency needs, now known to exist or which seem probable to suddenly develop, but which can not be measured by any specific appropriation and which are in excess of the provisions of the 1941-1943 Budget, are as follows:

Department of Natural Resources: The Division of Forestry has imposed upon it by the conditions of war an emergency duty of the very first order and importance; namely that of fire prevention and suppression in the State's unincorporated area outside of National forests and parks. Experience abroad and, during the First World War, in this Country teaches us to expect a marked increase in the incidence of fires in forest, grain and brush lands as a result of sabotage attempts during war conditions. It may be anticipated, therefore, that the task of the Division of Forestry in suppressing many fires on scattered fronts will be substantially increased and greatly complicated. Additional equipment and manpower over and above the present budget will undoubtedly be required. In accordance with the State Fire Disaster Plan, approved by the State Council of Defense, this division has been called upon to man its 250 fire trucks throughout the winter months with a minimum crew of two, and to bring such equipment down out of the mountains into areas of higher hazard where it can serve as a highly mobile force of trained fire fighters and equipment. It is intended, under the plan, that the Division of Forestry facilities will be used as a standby force to replace city and suburban fire departments which may be called upon to suppress "disaster" fires, and actually to assist in the suppression of such fires when local facilities prove inadequate. It may also become necessary to place the division's fire dispatching service on a 24 hour basis, and to extend dispatching service to areas not now served, if rural fire fighting equipment is to be mobilized and controlled on a State-wide basis in meeting the fire disasters which, according to competent Military and fire fighting authorities, may be anticipated during war time.

Department of Public Health: The activities of this department are planned as an important part of the Civilian Defense Program in public health and welfare services, and for that reason the Director of Public Health was, by the State Council of Defense Act, made a member of that council. Funds must be made available to the Department of Health when needed for its services in epidemics, for any large evacuations of civilian populations. Its activities must be intensified in the protection of water supplies through the prevention of stream pollution, supervision of sewage disposal, inspection of food and drugs, rodent control and mosquito abatement, and general regulation of sanitation conditions. The vast expansion of industrial plants for defense production in California has increased the volume of work required of the Bureau of Industrial Hygiene. An increasing volume of work is being placed upon the Division of Laboratories and the Division of Vital Statistics. An increasing amount of services will be required by this department in the diagnosis of communicable diseases and in providing blood tests for the Selective Service. It may be necessary to extend the facilities of its laboratories, the manufacture of vaccines, and the examination of water supplies, chemical analysis of food products, and other laboratory services that will safeguard public health in wartime.

The Division of Vital Statistics is now being flooded with requests for birth certificates for men entering the Army or Navy, war industries, and communication services. It must search its files for certificates for American-born Japanese required to prove their citizenship.

State Department of Agriculture: Under the present "Food for Defense Program" as promulgated by the United States Department of Agriculture, the importance of greater production of foodstuffs and agricultural commodities is stressed. Every bureau within the State Department of Agriculture may be called upon for increased services in the attainment of the heavy production goals established by the United States Department of Agriculture for this State. Estimates of the amount of funds which may be needed to meet such requirement obviously can not be made at this time.

Department of Industrial Relations: Increase in employment generally in the State, as a result of the Defense Program and the war, has greatly exceeded all expectations upon which the budget for the Department of Industrial Relations was based. There have been increases in the occurrences of accidents in the war defense industries, and the necessity of providing additional safety engineers and inspectors in the Accident Prevention Bureau of the Division of Industrial Accidents and Safety, as may be required, may properly call upon allocations from the State Emergency Fund. And the Division of Fire Safety is being called upon for extraordinary work, far exceeding the capacity of the present staff.

Floods: The occurrence of floods during the high water periods always presented needs for emergency assistance from the Division of Water Resources, which now has no funds for that purpose. Many parts of California are threatened by and suffer from flood conditions each year, for the relief of which emergency funds have been properly allocated.

Social Welfare: In the event it should become necessary to remove civilian populations from coastal defense areas to interior points, emergency services would be required of the Department of Social Welfare in providing care for evacuees.

State Council of Defense: The State Council of Defense must be placed upon an adequate basis as to technical staff, personnel and equipment. This council, which has been engaged in the formulation of Civilian Defense Plans in cooperation with the National Office of Civilian Defense, and for the organization of local defense councils, is now required to carry those plans into effect and to supervise and direct a multitude of tasks incident thereto, involving a large amount of detailed work on the part of its staff. It has already been necessary to make allotments to the work of this council from the existing Emergency Fund. Additional funds are now required, a budget for which can not be immediately and fully determined upon by the council. The necessary staff can not be presently predicted. It must be based upon actual need as the work of the council progresses.

The State Budget for 1941-1943, as drafted and approved, contemplated our Nation at peace during the two-year period which it covered. Now we are at war, and California has become a domestic front in this conflict.

A cursory review of the State Budget for 1941-1943 indicates that in some items, expenditures will be less than the amounts anticipated, while in other State services, emergency expenditures in excess of the appropriations now authorized will be required. Certain school costs will be less than the amounts estimated a year ago. Attendance at State colleges, junior colleges, and the University has fallen markedly below the budget estimates, and there has been some increase in high school enrollment. Although special vocational courses have been expanded in practically all schools as a result of the Defense Training Program, the increased cost for these classes will be more than offset by curtailed enrollment in regular secondary schools. State expenditures for aid to the needy aged, blind, and children will be below the budget estimates, to the extent of at least \$2,500,000.

On the other hand, the emergencies of war will make imperative expansions of certain services of other State governmental agencies. The safety and welfare of the civilian population of this State demands that moneys be made available to meet every emergency that may arise in the changed and still changing conditions resulting from a state of war.

In peace time, as much as \$8,545,000 has been appropriated as emergency funds in a biennium. Surely in war time, fraught with its perils to the safety of life and property in the State, an Emergency Fund of at least \$10,000,000 should be provided.

Supplementing my recommendation for appropriation of funds for the State Guard, it is further recommended that legislation be adopted to provide that enlisted men in the State Guard, when called into active service, shall receive an allowance for the support of their actual dependents.

It is also recommended that no change be made in the provisions concerning officers and that the private or apprentice seamen continue to receive \$2 per day but that for each step in rank above private or apprentice seamen, enlisted men shall receive a 10 per cent increase in base pay.

Section 340 of the Military and Veterans Code now provides that where members of the National Guard or Naval Militia not in active service of the United States are killed or injured in active service, such member or his dependents shall be entitled to receive benefits under the Workmen's Compensation Act. Section 395 of such code now provides that public officers or employees who are members of the National Guard or Naval Militia and who are called into active duty as such members shall be entitled to absent themselves while engaged in the performance of ordered Military or Naval duty. Such provisions should be made applicable to members of the State Guard, and I so recommend.

Doubt exists as to the authority of counties, cities, and cities and counties, to expend public funds either unbudgeted or budgeted for other purposes to meet expenses necessarily arising during a state of war. In order to provide ample authority to make needed expenditures, the third item of the original Proclamation for this session of the Legislature was made. Conferences concerning legislation to be adopted in regard to such subject revealed the fact that there was also a

doubt as to the authority of various local districts and other local public agencies to make expenditures for war purposes, and that there was also doubt as to the authority of all local public agencies to use or permit the use of their property for war purposes. Such public agencies are being continually requested to make various of their facilities and property available for the use of the Army and other defense forces, and so, prior to the convening of this extraordinary session of the Legislature a Supplementary Proclamation was issued to permit legislation granting the authority mentioned to all such public agencies, and I recommend that you adopt such legislation.

I have also included in the call, as amended, the consideration of ratification of charter amendments of local governments.

Your State Council of Defense joins me in making these recommendations.

ADJOURNMENT OF JOINT CONVENTION

There being no further business, at 12.40 p.m., the Speaker of the Assembly declared the Joint Convention adjourned.

IN ASSEMBLY

At 12.41 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 4: By Messrs. Sawallisch and Burns, Hugh M.—Relative to re-employment and compensation of members of the State Guard called into active service.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 5: By Mr. Lyon—Relative to commending Fred E. Stewart, member of the State Board of Equalization for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters.

Referred to Committee on Rules.

Assembly Joint Resolution No. 1: By Messrs. Welch, Wollenberg, Maloney, Cronin, Gallagher, Green, Gaffney and Sawallisch—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities.

Referred to Committee on Rules.

Assembly Joint Resolution No. 2: By Mr. Bashore—Relative to sporting events held in the State of California.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Messrs. Knight, John B., Allen and Hastain:

House Resolution No. 8

WHEREAS, The Assembly Fact-Finding Committee on Un-American Activities in California has courageously done thorough and outstanding work in bringing to the attention of the public the activities of subversive un-American groups; and

WHEREAS, As a result of the action of this committee, the Federal Government has secured evidence and been able to arrest and confine such subversive elements; and

WHEREAS, The prompt, thorough, and courageous activity of this committee has brought to public attention the paroles granted to certain communistic murderers, Connor, King, and Ramsey: now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Fact Finding Committee on Un-American Activities is hereby commended and complimented upon its thorough and important work in safeguarding this State; and be it further

Resolved, That it is the sense of the Assembly that the committee should continue its work and is hereby encouraged and urged to do so, thoroughly, completely and exhaustively.

Resolution read, and referred to Committee on Rules.

COMMUNICATIONS

The following communication was received, and on motion of Mr. Call, ordered printed in the Journal:

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE, WASHINGTON, June 27, 1941

Hon. Arthur A. Ohnimus
Chief Clerk of the Assembly
California Legislature
Sacramento, California

MY DEAR MR. OHNIMUS: Receipt is acknowledged of your letter of June 21st with which you inclosed a copy of Assembly Joint Resolution No. 60 adopted by the California Legislature on June 12, 1941. This resolution is similar to the draft thereof presented to the Fish and Wildlife Service by the President of the Willows Chamber of Commerce. It protests the condemnation action filed in the Federal District Court of Sacramento, California, on May 21, covering 9,273.95 acres of land in Glenn and Colusa Counties, California, as an addition to the Sacramento National Wildlife Refuge.

Negotiations for the acquisition of a suitable addition to the Sacramento Refuge have been under way for several years, and in 1939 the Migratory Bird Conservation Commission approved a project for 22,500 acres, of which the above-mentioned lands are a part. It has been impossible to conclude a final satisfactory agreement for the acquisition of the lands in question with the Bondholders Committee or the Provident Irrigation District, the record owner. In the reorganization of the District with the aid of the Reconstruction Finance Corporation, the area under consideration was excluded from the plan, as the lands involved are not susceptible of such irrigation development as would warrant an RFC loan thereon. The condition of title to the lands also necessitates condemnation proceedings, as was the case in connection with the lands for the existing Sacramento Refuge.

It is our understanding that the lands in question long have been tax-delinquent and, as such, the Counties of Glenn and Colusa are not receiving any tax returns therefrom. We also understand that there is under consideration the organization of a private gun club on a portion of the area under condemnation, and that public shooting, heretofore enjoyed by the sportsmen of the State, would thereby be excluded from the area. In these circumstances, the lands in question apparently are destined to be in the waterfowl picture, as they have been in the past, whether or not they are taken over by the Government.

The objections of the club to the acquisition of these lands by the Federal Government are that such action will deprive its members of their shooting grounds. The board objects to the program on the premise that the addition of these lands to the existing Sacramento National Wildlife Refuge may increase the number of birds in that vicinity and may cause damage to the surrounding farms. I may point out here that both refuges and shooting grounds must be of such character as to attract birds if they are to be of any value for these purposes. It is a normal phenomenon for migratory waterfowl during their migration and wintering activities to stop in sections of the country presenting an abundant source of palatable foods, particularly where water areas are also available. The domestic rice fields in the vicinity of the Sacramento Refuge have provided an attractive, abundant food supply for migratory waterfowl and, judging from the number of complaints that have come to the Service, this situation has existed for many years prior to the establishment of the Sacramento Refuge. The problem of damage to crops, therefore, is not of recent origin, and the establishment of the Sacramento Refuge has had little aggravating effect upon it. The area under consideration and the Sacramento Refuge were used as club grounds for hunting purposes prior to the establishment of the refuge and were, therefore, maintained in an attractive state for waterfowl.

The function of the Sacramento Refuge is primarily that of providing for the enormous waterfowl concentrations that winter in the Sacramento Valley, and the

contemplated addition to this refuge is essential to meet the requirements for feeding areas in order to relieve pressure on adjoining farmlands. The Sacramento Refuge is strategically located in the wintering grounds of the Pacific Flyway and even when finally developed will not adequately provide for the refuge needs of the Sacramento Valley. The proposed addition will greatly enhance the facilities for meeting the seasonal requirements of the waterfowl populations in this vicinity and should be of particular value in providing feeding and resting grounds for the overflow population of waterfowl from the present Sacramento Refuge and in relieving waterfowl pressure on adjoining farmlands.

The tract included in the condemnation proceeding has been determined to be the most satisfactory area that can be added to our existing refuge.

Sincerely yours,

W. C. HENDERSON, Acting Director

MOTION TO PRINT REMARKS BY SPEAKER GARLAND IN JOURNAL

Mr. Heisinger moved that the remarks by the Speaker, in the presentation of the Governor to the Joint Convention, be ordered printed in the Journal.

Motion carried.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

By the Chief Clerk:

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: Pursuant to your instructions, the following named persons have filed their credentials, and are duly recognized as representatives of the publications set opposite their names:

The Associated Press—W. A. Wells, M. B. Spencer, Morrie Landsberg, Roger Barr.

International News Service—Ed Labowitch, Robert C. Weakley, Harry Donoho, Robert Nystedt.

United Press Association—John W. Dunlap, T. M. Bright, J. F. McLaughlin, David N. Johnson, Delbert Evans.

California Real Estate Magazine—Glenn D. Willaman.

Capital News Service—James M. Sims.

Los Angeles Examiner—Joseph Timmons.

Los Angeles Times—Chester G. Hanson.

Oakland Tribune—Wesley E. Robbins.

Sacramento Bee—Herbert L. Phillips, Johnson Hill, Bert Vaughn, Joseph Barber.

Sacramento Union—Neil Shaw.

San Francisco Chronicle—Earl C. Behrens, Arthur Eggleston.

San Francisco Examiner—Royal W. Jimerson, Jack Welter, William H. Jordan.

San Francisco News—Brooke Clyde.

Woodland Record—Phil Hamilton.

San Jose Mercury-Herald—Peggy Ferris.

ARTHUR A. OHNIMUS, Chief Clerk

RECESS

At 1.25 p.m., on motion of Mr. Lyon, the Assembly recessed until 5 p.m.

REASSEMBLED

At 5 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 2

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 1

J. A. BEEK, Secretary of the Senate

SENATE CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 2

Senate Concurrent Resolution No. 3

Senate Concurrent Resolution No. 4

Senate Concurrent Resolution No. 5

Senate Concurrent Resolution No. 6

Senate Concurrent Resolution No. 7

Senate Joint Resolution No. 3

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were read:

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Without reference to committee.

Senate Concurrent Resolution No. 5—Expressing regret at the illness of the Honorable J. I. Wagye.

Without reference to committee.

Senate Concurrent Resolution No. 6—Relating to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 7—Relative to enforcement of the provisions of law prohibiting the sale of alcoholic beverages to minors.

Referred to Committee on Rules.

Senate Joint Resolution No. 3—Relative to sporting events held in the State of California.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered :

By Mr. Allen :

House Resolution No. 9

WHEREAS, That valiant band of men, whose motto is "Semper fidelis" and whose battle song is "From the Halls of Montezuma to the Shores of Tripoli," who have so gallantly kept the Flag of the United States flying over Wake Island, in reply to questions if there was anything further they wanted, so typical of the grand organization to which they belong, make this reply, "Send Us More Japs," a remark which has now become synonymous with those other classic mottoes of our Nation, "Don't give up the ship," "Damn the torpedoes," and "Remember the Maine"; and

WHEREAS, This reply will ring down in history and remain emblazoned on the hearts of our free people and be an inspiration to all Americans; and

WHEREAS, If the Japanese army and navy ever gaze on Heaven's scenes, they will be pushed up and down the cobblestones by the United States Marines; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Legislature express their praise and honor of these brave men and of their courage and loyalty which still keeps the Stars and Stripes waving in the Pacific breezes of little Wake Island; and be it further

Resolved, That copies of this resolution be suitably prepared and sent to the Department of the Pacific, United States Marine Corps, to be distributed to the men at Wake Island; and be it further

Resolved, That the Marine Corps be requested that this recognition and commendation of the valorous conduct of these men be inscribed on their record books.

Resolution read, and referred to Committee on Rules.

By Mr. Lyon :

House Resolution No. 10

WHEREAS, Repairs must be made to two microphones which are a part of the public address system of the Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of fifty dollars (\$50) is hereby made available from the Contingent Fund of the Assembly to be expended by Frank N. Killam, Superintendent of State Buildings and Grounds, for the purposes above mentioned; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant upon the Contingent Fund of the Assembly in favor of Frank N. Killam in the sum of fifty dollars (\$50) and the State Treasurer is hereby directed to pay the same.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 10, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Speaker Pro Tempore Presiding

At 6 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

RESOLUTIONS

The following resolution was offered :

By Messrs. McCollister, Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins,

George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Garland, Green, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret and Wollenberg:

House Resolution No. 11

Relative to the election of the Honorable Melvyn I. Cronin to the bench of the Municipal Court of San Francisco.

WHEREAS, The Honorable Melvyn I. Cronin has rendered distinguished service to the people of the State of California as a Member of the Legislature of the State continuously since January 7, 1929; and

WHEREAS, The statesmanship, personality, and abilities of our colleague have won him the respect, admiration, and affection of all of the Members of the Assembly; and

WHEREAS, The people of San Francisco have recently determined to avail themselves of the exceptional legal and judicial talents of Melvyn I. Cronin by electing him to the bench of the Municipal Court of San Francisco; now, therefore, be it

Resolved by the Assembly of the State of California, That we hereby extend our felicitations and sincere best wishes to our associate, Melvyn I. Cronin, in his new work, and our congratulations to the people of San Francisco upon the election of a man who has in the highest degree all those qualities of training, capacity, experience, and temperament that eminently fit him to serve in a judicial capacity; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably engrossed copy of this resolution to the Honorable Melvyn I. Cronin.

Request for Unanimous Consent

Mr. McCollister asked for, and was granted, unanimous consent to take up House Resolution No. 11, at this time, without reference to committee.

Resolution read and adopted unanimously.

SPECIAL COMMITTEE APPOINTED

The Speaker announced the appointment of all members of the San Francisco, San Mateo and Marin County Delegations as a Special Committee to present the engrossed copy of House Resolution No. 11 to the Honorable Melvyn I. Cronin on the day he assumes office on the Municipal Bench in San Francisco.

REQUEST FOR UNANIMOUS CONSENT

Mr. Gallagher asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 4, at this time, without reference to committee.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 4

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley,

Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Turner asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 5, at this time, without reference to committee.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5

Senate Concurrent Resolution No. 5—Expressing regret at the illness of Honorable J. I. Wagy.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 1

Assembly Concurrent Resolution No. 4

Assembly Concurrent Resolution No. 5

House Resolution No. 8

House Resolution No. 9

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 1

Assembly Joint Resolution No. 2

Has had the same under consideration, and reports the same back with the recommendation: Be adopted, as amended.

LYON, Chairman

Speaker Presiding

At 6.15 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT

Mr. Doyle asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies.

Resolution read.

Motion to Amend

Mr. Doyle moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed resolution, strike out all of lines 11 to 16, inclusive.

Amendment read.

Motion to Grant Additional Time for Argument

Mr. Tenney moved that Mr. Thomas be granted further time for argument on Amendment No. 1 to Assembly Concurrent Resolution No. 1.

Mr. Watson seconded the motion.

Motion carried.

Amendment adopted.

Request for Unanimous Consent

Mr. Doyle asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, as amended, at this time, without reference to print, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 1, as Amended

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M., Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—Richie, and Thomas—2.

Resolution ordered transmitted to the Senate.

Explanation of Vote

In voting in favor of this resolution we do so, realizing that the language does not call upon the Parole Board to do any more or less than it is now required by law to do. Our vote is not an expression of criticism of the activities of the Parole Board.

EDWARD F. O'DAY
GEORGE D. COLLINS

REQUEST FOR UNANIMOUS CONSENT

Mr. Bashore asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 2, at this time.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 2

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

Resolution read.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 21, of the printed resolution, strike out "undue."

Amendment No. 2

On page 1, line 23, of the printed resolution, strike out "near panic and".

Amendments read and adopted.

Request for Unanimous Consent

Mr. Bashore asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 2, as amended, at this time, without reference to print, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 2, as Amended

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—Howser, F. N., Knight, T. Fenton; Miller, Pfaff, and Watson—5.

Resolution ordered transmitted to the Senate.

MOTION TO PRINT EDITORIAL IN JOURNAL

Mr. Bashore moved that the following editorial be printed in the Journal:

Motion carried.

Editorial From Los Angeles Daily News

LOS ANGELES, Wednesday, December 17, 1941

VIEWS OF THE NEWS

By MANCHESTER BODDY

This is an editorial view of the recent action canceling parades, football games and the Southern California winter classic—Santa Anita racing.

Ordinarily, such drastic action would precipitate an "issue."

On one side would be the relatively small group whose special interests were being threatened. On the other would be the authorities responsible for the closing orders. "In the middle" would be the public. Each side to the controversy would seek to win its support.

In the present instance, however, no such issue exists. That is because we are a united people. The heart of every mother, every father, every brother, every wife and every sweetheart is mustered into the service when the boy dons his uniform. Generals, Colonels, Majors, Captains, Sergeants and Corporals must keep that fact ever in mind.

An Army order to civilians is obeyed as enthusiastically if not as intelligently as any order issued to the Armed Forces.

Each unit of the Armed Forces very properly employs expert public relations men whose duty it is to interpret the problems, the hardships and the sacrifices inherent in the colossal job of organizing, training and directing the Military forces of the United States. These public relations men function through the newspapers and the radio.

This is an all-out total war. The civilian population is involved no less than is the Army, the Navy and the air force. In this total war the commanding officer of the Armed Forces is in command not only of the Military section, but of the civilian section as well. Should General DeWitt tomorrow make the request that everybody stay home, his order would be obeyed to the letter.

And just as the Army has found it necessary to employ the services of public relations experts in interpreting the problems of the armed section to the civilian section, so too is it necessary to employ the most appropriate means available to interpret to the Armed Forces the problems and difficulties of the civilian section.

And that is what this editorial very humbly and very sincerely is attempting to do.

We start with the assumption that the civilian section must attain the highest possible standard of morale.

Such an objective would not be difficult to achieve if the enemy were practically at one's gates. When, for instance, the Nazis overwhelmed all of Europe and pointed their thundering forces directly at England—within range of cannonball—it was not difficult to arouse the British civilian population to a state of unity.

Yet, even in that unparalleled case, where total destruction of all English cities appeared to be only a matter of weeks—or at best months—it became necessary in the interests of civilian morale to reopen and extend football schedules; boxing matches, sporting tournaments and to announce the running of the famous English horse races.

Within six weeks after war began, racing was being conducted at Newmarket with full fields of horses and a daily attendance of upwards of 20,000 people.

In April, 1940, the Grand National at Aintree was run before a crowd estimated by qualified observers as being more than 200,000. In May of 1940, the Jockey Club stewards set up a program of racing for June, July and August—the peak of the Nazi bombing season.

On May 27, 1940, a London turf writer observed: "In the face of the most momentous battle ever to take place on Flanders Field, racing is being conducted at Newmarket in a satisfactory and successful manner."

The fact that the people of England could thus carry on under the very guns of the Nazi forces thrilled the entire world—(outside Germany, Italy and Japan.)

Newsreels of the huge crowds were exhibited wherever they could be shown; special photographs were dispatched to free newspapers throughout the world; and radio commentators, speaking from London, devoted their entire time to describing the amazing spectacle of a people—unafraid and undismayed—carrying on "as usual" in the face of the greatest threat that the Axis Powers have ever made.

There may be special, undisclosed reasons as to why we, in Southern California, the winter playground of the Nation, must abandon scheduled events.

If there are, no one will presume to question the closing orders.

Speaking in behalf of the civilian sector in this war, however, we must point out that in the absence of anything but the most general reasons, a thousand and one "explanatory" rumors have already been put into circulation.

Our editorial offices are being bombarded with messages, not only from elsewhere in the United States, but from news agencies serving allied countries (particularly in South America), inquiring if the situation is really as desperate as such orders would indicate.

No one during these times would even suggest putting on a false front of security, or in any other manner concealing facts. But to go to unnecessary extremes in the other direction would be equally harmful.

The feature of the closing orders which is most devastating to civilian morale is the assumption that all plans and programs for the future must be abandoned. At least seven functions scheduled for charity purposes are today hanging in the balance, with their sponsors completely bewildered.

Diversion and entertainment are just as important in the ranks of the civilian sector in all-out war as they are for the armed sector itself.

Would it not be possible to establish a policy of canceling events on any particular day or days when, in the opinion of Military authorities, such action would appear to be necessary?

Or, must we start this long, hard war under a blanket order canceling diversion and entertainment events for weeks and even months in advance?

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 19, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 1

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 1, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—71.

NOES—None.

Resolution ordered transmitted to the Senate.

MOTION TO PRESENT BILLS TO LEGISLATIVE COUNSEL BUREAU

Mr. Lyon moved that all bills be presented to the Legislative Counsel Bureau before being read in the Assembly to determine their being within the scope of the Governor's Proclamation.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Mr. Sawallisch asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 4

Assembly Concurrent Resolution No. 4—Relative to reemployment and compensation of members of the State Guard called into active service.

Resolution read.

Motion to Amend

Mr. Sawallisch moved the adoption of the following amendment:

Amendment No. 1

In line 2 of the title of the printed measure, strike out "and compensation".

Amendment read and adopted.

Request for Unanimous Consent

Mr. Sawallisch asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, as amended, at this time, without reference to print, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 4, as Amended

Assembly Concurrent Resolution No. 4—Relative to reemployment and compensation of members of the State Guard called into active service.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 5, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 5

Assembly Concurrent Resolution No. 5—Relative to commending Fred E. Stewart, member of the State Board of Equalization for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Potter, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. John B. Knight asked for, and was granted, unanimous consent to take up House Resolution No. 8, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 8**House Resolution No. 8**

WHEREAS, The Assembly Fact-Finding Committee on Un-American Activities in California has courageously done thorough and outstanding work in bringing to the attention of the public the activities of subversive Un-American groups; and

WHEREAS, As a result of the action of this committee, the Federal Government has secured evidence and been able to arrest and confine such subversive elements; and

WHEREAS, The prompt, thorough, and courageous activity of this committee has brought to public attention the paroles granted to certain communistic murderers, Connor, King, and Ramsey; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Fact-Finding Committee on Un-American Activities is hereby commended and complimented upon its thorough and important work in safeguarding this State; and be it further

Resolved, That it is the sense of the Assembly that the committee should continue its work and is hereby encouraged and urged to do so, thoroughly, completely and exhaustively.

Resolution read.

Roll Call Demanded

Messrs. O'Day, Heisinger and Richie demanded a roll call.

The roll was called, and House Resolution No. 8 adopted by the following vote:

AYES—Bashore, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Cronin, Crowley, Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hastain, Houser, Frederick F., Johnson, Knight, John B., Leonard, Lyon, Maloney, McCollister, Miller, Potter, Poulson, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—42.

NOES—Andreas, Burkhalter, Collins, George D., Del Mutolo, Gaffney, Hawkins, Heisinger, Kilpatrick, King, Massion, Meehan, O'Day, Richie, Russell, and Thomas—15.

REQUEST FOR UNANIMOUS CONSENT

Mr. Welch asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 1, at this time.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 1

Assembly Joint Resolution No. 1—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, read the first time, and referred to the Legislative Counsel Bureau:

Assembly Bill No. 5: By Messrs. Cain, Green, Collins, George D., and O'Day—An act making an appropriation for providing facilities for The Adjutant General and the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 6: By Mr. Middough—An act to add Section 193 to the Military and Veterans Code, relating to expenditure of money for uniforms and equipment, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

COMMUNICATIONS

The following communications were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL,
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Arthur A. Ohninus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

SUBJECT: A.B. 5, relating to State Guard

DEAR SIR: We have examined this measure, pursuant to the motion by Mr. Lyon, and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Deputy

CC: Honorable John Edward Cain

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

SUBJECT: A.B. 6, relating to State Guard

DEAR SIR: We have examined this measure, pursuant to the motion by Mr. Lyon, and report that in our opinion it appears to be within the scope of the Proclamation.
Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Deputy

Copy to Honorable Lorne D. Middough

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 6: By Messrs. Maloney, Cronin, Houser, Frederick F., Call, Green and Garland—Relative to the untimely death of Captain Colin P. Kelly, Jr.

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 6, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 6

Assembly Concurrent Resolution No. 6—Relative to the untimely death of Captain Colin P. Kelly, Jr.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellers, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pfaff, Phillips, Potter, Poulson, Richie, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 7: By Mr. Hugh M. Burns—Relative to adjournment out of respect to the memory of the late Senator Morris Bedford Harris.

Request for Unanimous Consent

Mr. Hugh M. Burns asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 7, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 7

Assembly Concurrent Resolution No. 7—Relative to adjournment out of respect to the memory of the late Senator Morris Bedford Harris.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Resolution ordered transmitted to the Senate.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 8: By Messrs. Kilpatrick, Burkhalter, King, Cain, Lowrey, Meehan, Gaffney and Hawkins—Relative to National unity.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Messrs. O'Day, Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Garland, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret and Wollenberg:

House Resolution No. 12

WHEREAS, On November 4, 1941, the electorate of San Francisco voted into the office of Supervisor, two of the distinguished Members of the Assembly of the State of California in the persons of Dan Gallagher and Robert Miller Green; and

WHEREAS, This honor bestowed by the people of San Francisco upon these two Legislators was in recognition of their outstanding public service in the California State Legislature; and

WHEREAS, The Members of this House know intimately these two outstanding public servants, their high qualifications and splendid records; now, therefore, be it

Resolved that the Assembly of the State of California, Does hereby congratulate our colleagues, Dan Gallagher and "Bob" Green, on their splendid victory in the recent election in San Francisco; and be it further

Resolved, That copies of this resolution be forwarded to Supervisor-elect Dan Gallagher and Supervisor-elect Bob Green.

Request for Unanimous Consent

Mr. O'Day asked for, and was granted, unanimous consent to take up House Resolution No. 12, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—None.

Motion to Present Resolution

Mr. O'Day moved that the engrossed copy of House Resolution No. 12 be presented to Messrs. Gallagher and Green upon their induction into office as Supervisors of San Francisco County by the San Francisco, Marin and San Mateo County Delegations.

Motion carried.

RECESS

At 7.20 p.m., the Speaker declared the Assembly recessed until 7.25 p.m.

Mrs. Edward F. O'Day was presented to the Members of the Assembly.

REASSEMBLED

At 7.25 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Joint Resolution No. 3: By Mr. Hawkins—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color.

Referred to Committee on Rules.

ADJOURNMENT

At 7.35 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Saturday, December 20, 1941, out of respect to the memory of the late Assemblyman James M. Cassidy, and to the memory of the gallant men who lost their lives in the conflict at Pearl Harbor.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SECOND LEGISLATIVE DAY
SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Saturday, December 20, 1941

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Mid-dough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—75.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Clarke.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day:

Mr. Allen, on motion of Mr. Evans.

RESOLUTIONS

The following resolutions were offered:

By Mr. Pfaff:

House Resolution No. 13

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund

in favor of the following named member of the Assembly for the amount set opposite his name, and the State Treasurer is hereby directed and ordered to pay the same.

Amount at 5 cents per mile-----	Total mileage-----	Mileage one way-----	Distance from county seat, less-----	Distance from county seat, more-----	Distance from county seat-----	Address-----	Name-----	District-----
\$46 90	938	469	--	22	447	Long Beach, Los Angeles County-----	Fred N. Howser-----	71

Request for Unanimous Consent

Mr. Pfaff asked for, and was granted, unanimous consent to take up House Resolution No. 13, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Cain, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gallagher, Green, Hastain, Hawkins, Heisinger, Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Maloney, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—53.

NOES—None.

By Mr. Voigt:

House Resolution No. 14

Relative to the passing of former Assemblyman Charles W. Dempster.

WHEREAS, The Members of the Assembly have learned with deep regret of the sudden passing on July 21, 1941, of Charles W. Dempster; and

WHEREAS, Charles W. Dempster served as a Member of this Assembly during the Forty-ninth and Fiftieth Sessions of the Legislature, and is affectionately remembered by many persons now serving in the Assembly; and

WHEREAS, The termination of the life and activities of Charles W. Dempster constitutes an irreparable loss, not only to his family, his friends, and his brother Masons, Shriners, Elks, Odd Fellows and Eagles, but also to the people of the State of California whom he so well served; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby express our grief and deep sense of loss upon the death of our former colleague, Charles W. Dempster, and extend to his bereaved family our very sincere sympathy and condolences; and be it further

Resolved, That when the Assembly adjourns this day it do so out of respect to the memory of the late Charles W. Dempster; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the widow of our departed colleague, Mrs. Grace Dempster, and to his four sons, Charles W. Dempster, Jr., Barton Dempster, Wesley Dempster, and Thomas Dempster.

Request for Unanimous Consent

Mr. Voigt asked for, and was granted, unanimous consent to take up House Resolution No. 14, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. Kepple:

House Resolution No. 15

Relative to the death of the Honorable Harry F. Sewell.

WHEREAS, The Members of the Assembly have recently been saddened by news of the end of the life and career of the Honorable Harry F. Sewell, former Superior Court Judge, and Member of the Assembly from 1925 to 1931; and

WHEREAS, Judge Harry F. Sewell will long be remembered not only for his service to the State as a Member of the Legislature but also for his brilliance in his

profession as attorney and jurist, and for his contributions to the jurisprudence of California; now, therefore, be it

Resolved by the Assembly of the State of California, That when the Assembly adjourns this day, it do so out of respect to the memory of the late Harry F. Sewell, and that we do hereby extend to the members of his family our deepest sympathy; and be it further

Resolved, That the Chief Clerk is hereby directed to transmit suitably engrossed copies of this memorial resolution to the children of the late Harry F. Sewell, and to his widow, Mrs. Mary Virginia Platt Sewell.

Request for Unanimous Consent

Mr. Kepple asked for, and was granted, unanimous consent to take up House Resolution No. 15, at this time, without reference to committee.

Resolution read and adopted unanimously.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, December 18, 1941

*To Speaker of Assembly Honorable Gordon Garland
California State Assembly, Sacramento, California*

Following is a resolution unanimously passed by acclaim at the regular executive board meeting of Local 14 at Fresno, December 13, 1941. We would appreciate your reading of the following resolution:

WHEREAS, A National emergency exists in the United States and a state of war exists between our gloriously democratic Nation and the dictator nations of Japan, Germany and Italy;

WHEREAS, The American Federation of State, County and Municipal Employees Union Local 14 of California, comprised of California State employees, desire to do all in their power to aid their great State and Country; be it

Resolved, That the American Federation of State, County and Municipal Employees Union pledge its membership's services to the Governor and to the State and tender its wholehearted support and cooperation to any defense efforts in which they may be used.

Sincerely yours,

CALIFORNIA STATE EMPLOYEES LOCAL 14
JOHN W. LINTON, Vice President

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 9: By Mr. Doyle—Relative to distribution of legislative publications by the State Printer.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Messrs. Call, Cain and Dickey:

House Resolution No. 16

Relative to the strength of the American Naval Forces in the Pacific Ocean

WHEREAS, The failure of "expert" newspaper analysts and high-powered radio commentators in their estimates of the vital factors which will determine the outcome of the war in the Pacific to recognize one factor which the Members of this Assembly believe outweighs all other assets of our Nation in its struggle for Naval supremacy in the Orient, indicates that adequate publicity and prominence has not been given to the presence of Commander John B. Cooke, Member of the Assembly from the Fortieth District, at Honolulu or thereabouts in the Under-sea Service of the Navy; and

WHEREAS, Commander Cooke in numerous battles in this Assembly adequately demonstrated not only his fighting qualities but his sterling ability as a tactician,

particularly respecting that maneuver which he described frequently as "concentrated fire"; and

WHEREAS, The Members of this Assembly are justly proud of Commander Cooke and of the services he performed on behalf of his Country and this State, which services date back to and include the christening of the "Fireboat Sacramento"; and

WHEREAS, The Members of the Assembly earnestly believe that if adequate publicity is given to the fact that Commander Cooke is defending the Pacific Ocean it will tend to reassure the people of the State of California that adequate measures have been taken for their safety, inasmuch as the members of this house know well that if the Commander fights against the Japs in the same way that he fought on the Assembly floor he can lick their Navy singlehanded; now, therefore, be it

Resolved by the Assembly of the State of California, That it is the sense of this Body that full and complete information should be made public throughout the State regarding the fact that Commander Cooke is defending our shores; and be it further

Resolved, That a copy of this resolution be transmitted to Commander John B. Cooke with the best wishes of every Member of the Assembly.

Request for Unanimous Consent

Mr. Call asked for, and was granted, unanimous consent to take up House Resolution No. 16, at this time, without reference to committee.

Resolution read and adopted unanimously.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 10: By Messrs. Howser, Fred N., Middough, Evans, Knight, John B., Call and Stream—Relative to early closing of retail establishments during war.

Request for Unanimous Consent

Mr. Fred N. Howser asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 10, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 10

Assembly Concurrent Resolution No. 10—Relative to early closing of retail establishments during war.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Evans, Field, Green, Hastain, Heisinger, Houser, Frederick F., Howser, P. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thorp, Turner, Voigt, Waters, Welch, Weybret, and Mr. Speaker—55.

NOES—Richie, and Watson—2.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 11: By Mr. Desmond—Relative to holding the State Fair in 1942.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 12: By Mr. Desmond—Relative to the removal of William Ryan as Captain of the Guard at Folsom State Prison.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 11

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Request for Unanimous Consent

Mr. Desmond asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 11, at this time, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 11

Assembly Concurrent Resolution No. 11—Relative to holding the State Fair in 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Cronin, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

By the Chief Clerk:

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Pursuant to your instructions, the following named person has filed his credential, and is duly recognized as representative of the publication set opposite his name:

California Briefs—Jack Salt.

ARTHUR A. OHNIMUS, Chief Clerk

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 2—Relative to the death of Assemblyman James M. Cassidy

And reports that the same has been correctly enrolled, and presented to the Governor on the twentieth day of December, 1941, at 10.45 a.m.

JOHN B. KNIGHT, Chairman

COMMUNICATIONS

The following communications were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

SUBJECT: A.B. 1, relating to Emergency Fund

DEAR SIR: We have examined this measure, and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Roger Alton Pfaff

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

SUBJECT: A.B. 2, relating to State Guard

DEAR SIR: We have examined this measure, and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Lorne D. Middough

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

SUBJECT: A.B. 3, relating to State Guard

DEAR SIR: We have examined this measure, and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Lorne D. Middough

RECESS

At 11 a.m., on motion of Mr. Field, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable C. Don Field, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: Glendale Armory
REQUEST: No. 4586

DEAR MR. FIELD: We transmit herewith a bill to appropriate \$100,000 for the construction and equipment of an armory and necessary facilities in the City of Glendale.

In our opinion, this bill is within the scope of the Proclamation convening this special session.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a proposed Assembly bill entitled,
"An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the
Military and Veterans Code, relating to the State Guard, declaring the urgency of
this act, to take effect immediately"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Roger Alton Pfaff.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act to add Chapter 11, consisting of Sections 475 to 496, inclusive, to Part 1,
Division 2, of the Military and Veterans Code, relating to suspending enforcement
of certain civil liabilities of persons in the Military service of the State and provid-
ing for the reinstatement in employment of such persons upon their completion of
Military service, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Ernest C. Crowley

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act making an appropriation to the Emergency Fund to be used in State
defense for the installation of two-way radio communication facilities in automotive
equipment operated by county peace officers, declaring the urgency hereof, to take
effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable S. L. Heisinger

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act to add Section 556.5 to the Military and Veterans Code, relating to
employment rights of public employees called into active service with the State
Guard, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Harvey E. Hastain

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act to add Section 2.25 to the School Code, relating to the education of
public school pupils, declaring the urgency thereof and providing that this act shall
take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Eleanor Miller

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Eleanor Miller

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to pay certain expenses of units of the State Guard, declaring the urgency of this act, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Everett G. Burkhalter

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 7: By Mr. Field—Making an appropriation for an Armory at the City of Glendale.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 8: By Mr. Pfaff—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 9: By Mr. Crowley—An act to add Chapter 11, consisting of Sections 475 to 496, inclusive, to Part 1, Division 2, of the Military and Veterans Code, relating to suspending enforcement of certain civil liabilities of persons in the Military service of the State and providing for the reinstatement in employment of such persons upon their completion of Military service, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 10: By Mr. Heisinger—An act making an appropriation to the Emergency Fund to be used in State defense for the installation of two-way radio communication facilities in automotive equipment operated by county peace officers, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 11: By Messrs. Hastain, Lowrey, Carlson and Sawallisch—An act to add Section 556.5 to the Military and Veterans Code, relating to employment rights of public employees called into active service with the State Guard, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 12: By Miss Miller—An act to add Section 2.25 to the School Code, relating to the education of public school pupils, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 13: By Miss Miller—An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 14: By Messrs. Burkhalter and Kilpatrick—An act making an appropriation to pay certain expenses of units of the State Guard, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Joint Resolution No. 4: By Messrs. Weber and Garland—Relative to priorities for the manufacture of farm machinery.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 13: By Messrs. Johnson, Carlson and Field—Relative to the revocation of certain paroles.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 3

Assembly Joint Resolution No. 4

Senate Concurrent Resolution No. 3

Senate Concurrent Resolution No. 6

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Weber asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 4, at this time, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 4

Assembly Joint Resolution No. 4—Relative to priorities for the manufacture of farm machinery.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—59.

NOES—None.

Resolution ordered transmitted to the Senate.

**MOTION TO PRINT EXTRA COPIES OF ASSEMBLY JOINT
RESOLUTION NO. 4**

At Mr. Weber's request, Mr. Lyon moved that 1,000 extra copies of Assembly Joint Resolution No. 4 be printed for distribution among the farm interests in California.

Motion carried.

Hon. Rodney L. Turner Presiding

At 2.35 p.m., Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 9

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Doyle asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 9, at this time, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 9

Assembly Concurrent Resolution No. 9—Distribution of legislative publications by the State Printer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kilpatrick, King, Knight, T. Fenton, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thurman, Turner, Waters, Watson, Welch, Weybret, and Wollenberg—60.

NOES—None.

Resolution ordered transmitted to the Senate.

Explanation of Vote

I was out of the chambers when House Resolution No. 8 was presented and discussed. I would have voted for the resolution and intended to do so and my "no" vote was inadvertent. So that there shall be no misunderstanding, I wish to state that I am wholeheartedly in favor of the sentiments expressed by this resolution and would be recorded as voting "yes."

EVERETT G. BURKHALTER

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 13

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be adopted.

LYON, Chairman

RECESS

At 2.40 p.m., Mr. Turner declared the Assembly recessed until 2.45 p.m.

REASSEMBLED

At 2.45 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

WITHDRAWAL OF ASSEMBLY BILL NO. 4

Mr. McCollister moved that Assembly Bill No. 4 be withdrawn from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, for purpose of amendment, and re-referred to the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Motion carried.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received and read:

STATE OF CALIFORNIA, OFFICE OF THE LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled "An act to add Sections 556.5 and 556.6 to the Military and Veterans Code, relating to the State Guard," and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable John W. Evans

STATE OF CALIFORNIA, OFFICE OF THE LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 19, 1941

*Honorable Jesse R. Kellems, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: An act making an appropriation for self-help cooperatives not being within Proclamation for Special Session of 1941.

REQUEST No. 4556.

DEAR DOCTOR KELLEMS: This is to advise you that in our opinion an act making an appropriation to the Relief Administrator and the Relief Commission for expenditures for self-help cooperatives is within the Proclamation calling the Special Session of 1941, or the Proclamation supplementary thereto.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By J. D. STRAUSS, Assistant Counsel

STATE OF CALIFORNIA, OFFICE OF THE LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
 Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled
 "An act augmenting the Emergency Fund to provide money for the support of the
 Attorney General, declaring the urgency thereof, to take effect immediately,"
 and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
 By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Albert C. Wollenberg

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 15: By Mr. Evans—An act to add Sections 556.5 and 556.6 to the Military and Veterans Code, relating to the State Guard.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 16: By Mr. Kellems—An act making an appropriation for self-help cooperatives, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 17: By Messrs. Wollenberg, Carlson, Kepple, Houser, Frederick F., and Johnson—An act augmenting the Emergency Fund to provide money for the support of the Attorney General, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

RESOLUTIONS

The following resolutions were offered:

By Mr. Evans:

House Resolution No. 17

Relative to memorializing Congress to enact the Price Control Bill in its original form.

WHEREAS, The cost of living is mounting at an accelerating pace in the State of California and in the Nation; and

WHEREAS, The fixed and limited incomes of the older and other citizens who derive their incomes from pensions or other fixed amounts of increment should be protected against inflation; and

WHEREAS, Rents in defense areas should be stabilized in order to protect the permanent population and new workers in those areas; and

WHEREAS, The public interest requires that defense appropriations should not be dissipated on account of excessive prices and that no undue profits accrue from defense production; and

WHEREAS, The sound basis of the National currency should not be weakened by depreciation through unnecessary inflation; and

WHEREAS, Post-emergency crashes and depressions similar to those following the last great war should and can be largely averted; and

WHEREAS, The practical way of averting the disaster of inflation and protecting the United States in the foregoing premises is the enactment of the Price Control Bill, being either H. R. 5479 or S. 1810, in its original form; now, therefore, be it

Resolved by the Assembly of the State of California, That the Congress of the United States is hereby respectfully urged to enact, and the President to approve, the Price Control Bill in its original form; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, which Senators and Representatives are hereby respectfully urged to support the Price Control Bill in its original form.

Resolution read, and referred to Committee on Rules.

By Mr. Lyon :

House Resolution No. 18

Relative to expressing the regrets of Members of the Legislature on the death of Harry Caro

WHEREAS, Word has come to the Members of this Legislature of the passing away on the tenth day of December, 1941, of Harry Caro; and

WHEREAS, Harry Caro served the Government of this State, faithfully and well, for over a decade as an Assistant Sergeant-at-Arms and Bookkeeper to the Sergeant-at-Arms of the Senate; and

WHEREAS, Harry Caro was well known and well loved by the older Members of this Legislature for his ever present kindness, loyalty, and devotion to duty; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Legislature express their sorrow at the passage from this life of Harry Caro; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitable copies of this resolution to the family of Harry Caro.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 18, at this time, without reference to committee.

Resolution read and adopted.

By Mr. Lyon :

House Resolution No. 19

Resolved by the Assembly of the State of California, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Assembly in favor of the Chief Clerk of the Assembly, and the State Treasurer is hereby directed to pay the same, in the sum of eight hundred dollars (\$800), said amount being for the purchase of postage stamps to be used by Members of the Assembly for official mail; and be it further

Resolved, That the Chief Clerk be and he is hereby directed to purchase postage stamps in such amounts and denominations, not exceeding eight hundred dollars (\$800) in the aggregate, as shall be necessary for the use of the Members of the Assembly for official mail; and be it further

Resolved, That the amount of stamps requisitioned by any one Member of the Assembly for official mail shall not exceed the sum of ten dollars (\$10).

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 19, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Andreas, Bashore, Burkhalter, Cain, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hawkins, Heisinger, Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—None.

By Messrs. O'Day, Collins, George D., Cronin, Gaffney, Wollenberg, Welch, Maloney, Gallagher and Green:

House Resolution No. 20

WHEREAS, San Francisco City and County is located within the First Board of Equalization District; and

WHEREAS, The Honorable George R. Reilly is the member of the Board of Equalization from this district; and

WHEREAS, It has been brought to the attention of the Members of this Assembly that the Honorable George R. Reilly has appeared in every high school and college in the First Board of Equalization District, and has explained to the faculty and the students the tax structure of this State, and the functions of the Board of Equalization in connection therewith, and has thereby impressed upon the coming generation the importance of economy in government; now, therefore, be it

Resolved by the Assembly of the State of California, That the Honorable George R. Reilly is hereby commended and complimented upon his industry, and intelligence in so presenting the problems of the State of California to the future citizens; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable George R. Reilly by the Chief Clerk of this Assembly.

Request for Unanimous Consent

Mr. O'Day asked for, and was granted, unanimous consent to take up House Resolution No. 20, at this time, without reference to committee.

Resolution read and adopted.

WITHDRAWAL OF ASSEMBLY BILL NO. 2

Mr. Middough moved that Assembly Bill No. 2 be withdrawn from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs for the purpose of amendment, and re-referred to the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Joint Resolution No. 3

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

SECOND READING OF ASSEMBLY BILL NO. 4

Assembly Bill No. 4—An act to amend Section 555 of, and to add Sections 555.2, 555.4 and 555.6 to, the Military and Veterans Code, relating to the privileges, rights and discipline of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Bill read second time.

Motion to Amend

Mr. McCollister moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1, 2 and 3, and insert "An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 22, inclusive; and on page 2, strike out lines 1 to 37, inclusive, and insert

"SECTION 1. Section 555.1 is hereby added to the Military and Veterans Code, to read as follows:

555.1. Within 30 days after the effective date hereof, any member of the State Guard may upon five days notice in writing to his commanding officer withdraw and resign therefrom on the ground of unreasonable hardship for any of the following causes:

- (a) marriage and the existence of one or more dependents
- (b) inability to serve outside the county of enlistment, because of unreasonable business or financial loss
- (c) inability to render full time service because of unreasonable business or financial loss
- (d) physical inability to perform full time duties
- (e) such other reason, as may be approved by the battalion and regimental commanders
- (f) employment as a National defense worker.

Authority is also hereby created, for the 30 day period of effect of this legislation, for any company commander of any unit of the State Guard to recommend the retirement or withdrawal from the State Guard of any men within his command whose services are known to be of greater value in civil occupation, or who should retire to other defense organization work, and the Adjutant General of the State Guard shall, in accordance with the intent of this legislation, effect the release of men so recommended.

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting the necessity:

A state of war exists between the United States of America and the Governments of Japan, Germany and Italy. Units of the State Guard have been called into active service and other units may be called from time to time. Many of the members of the State Guard by reason of the existence of dependents, business and financial conditions and physical disabilities would be subjected to unreasonable hardships and losses if compelled to serve for full time and in distant communities. Many other persons who are not subject to such hardships and losses are anxious to fill vacancies in the State Guard. In order to increase the efficiency of the State Guard without impeding the industrial activity of the State, it is necessary to stabilize the membership of the State Guard. It is therefore necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered reprinted, engrossed, and re-referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

COMMUNICATIONS

The following communication was received and read, and on motion of Mr. Lyon, ordered printed in the Journal:

OFFICE OF STATE BOARD OF EQUALIZATION
STATE OF CALIFORNIA, SACRAMENTO, December 17, 1941

To the Members of the California Legislature

RE: Progress made in application of sales, use, and gasoline taxes with respect to cost-plus-a-fixed-fee contractors

Believing that you would be interested in a brief account of what has occurred since enactment of Senate Bill No. 484 (Chapter 831, Statutes of 1941), and Assembly Bill No. 1433 (Chapter 836, Statutes of 1941), relating to the taxable status of transactions with government contractors under the sales, use, and motor vehicle fuel tax laws, I am pleased to submit this progress report.

Board's View Upheld by Supreme Court

On November 10, 1941, the United States Supreme Court held that Alabama sales and use taxes applied with respect to sales to and use of materials furnished to cost-plus-a-fixed-fee contractors engaged in performance of construction of National defense facilities (*State of Alabama vs. King and Boozer*, 62 Sup. Ct. 43, 86 L. Ed. (Adv. Op.) 1, and *Curry vs. United States*, 62 Sup. Ct. 48, 86 L. Ed. (Adv. Op.) 6). It was ruled that purchases of tangible personal property made by such a contractor were his own and not those of the United States, so that they were subject to the

Alabama sales tax. It was also held that materials bought by the contractor were used by him and not by the United States, so that the Alabama use tax was applicable. You will recall that this was precisely the position urged by the State Board of Equalization when similar questions with respect to California taxes were being considered by you at the last legislative session.

Application of Supreme Court Decisions to California

What the Supreme Court decided seemed controlling as to California taxes. Realizing, however, that large amounts were involved and that the Federal authorities would not concur in this view unless thoroughly convinced as to its soundness, I proceeded to Washington, D. C., shortly after the decisions were announced. I am happy to report that after several days of lengthy negotiations with numerous Federal authorities concerned, I was able to secure rulings from the United States Maritime Commission and the War and Navy Departments to the effect that the United States Supreme Court decisions above cited are applicable here. Copies of these memoranda are attached for your convenient reference.

Tax Moratorium Terminated on Current Transactions

Such action on the part of the Federal administrative agencies is deemed to have terminated the deferment under Chapters 681 and 836, Statutes of 1941, applying to the payment of sales, use, and gasoline taxes. The moratorium remains effective only when sellers have refrained from securing tax reimbursement because of the insistence of those representing the United States. That insistence has now been withdrawn. As to all current deliveries made to cost-plus-a-fixed-fee contractors, tax reimbursement may be included. This means that from now on tax returns and payments will be made in the usual way.

How This Benefits California

You will, I know, be as gratified as I am by the results of these negotiations, which may be summarized thus:

1. We shall enjoy the immediate benefits of the Alabama decisions without the necessity of further litigation and its attendant delays, uncertainties and cost.
2. Our industries which are furnishing materials and supplies to the contractors are relieved of any further anxiety as to the status of current and future transactions.
3. The contractors are relieved of such anxiety and know that they will now be reimbursed by the Government for costs incident upon the application of State sales, use, and gasoline taxes.
4. The way is left open for amicable and equitable adjustment of taxes accrued with respect to past transactions and in view of the fairness of the attitude of the Federal authorities, we may anticipate a satisfactory answer to the problems involved.
5. The discrimination which would otherwise have existed between contractors engaged in construction work on a cost-plus-a-fixed fee basis and those doing such work on a lump sum basis has been removed, to the end that all are required to secure their materials and supplies on the same basis, viz., at prices which are inclusive of sales, use, and gasoline tax reimbursement.

Substantial Revenues Involved

It is impossible to state accurately at this time how much revenue will accrue to California as a result of the agreement by the Federal authorities that the decisions on the Alabama taxes are controlling. It will be noted that the memoranda issued by the War and Navy Departments have specific reference to our State. United States officials have estimated that on the basis of existing contracts or those definitely contemplated, additional revenue of not less than \$9,000,000 should accrue to California. When the possibility of collection of taxes on transactions already closed is taken into consideration, it will be seen that most substantial revenues are involved.

Moratorium Legislation of Material Aid

You are to be congratulated upon your foresight in enacting the moratorium provisions found in Chapters 681 and 836, Statutes of 1941. Without these, my task of securing the cooperation of the Federal authorities as evidenced by the attached memoranda would have been impossible of accomplishment. Our position was materially strengthened by the provisions of the acts. The fair attitude of the State as demonstrated by the waiver of penalties and interest, as well as the deferment of tax collections, did much to impel the Federal authorities to recognize the validity of our taxes without further controversy.

Legislative Support and Cooperation Appreciated

May I take this opportunity to thank you personally for your support in these matters and for the confidence expressed by your acceptance of our recommendations as to the desirability of legislation of this kind. Through your cooperation we have been enabled to secure large revenues to which the State is justly entitled and have

avoided hardship on individual taxpayers which might otherwise have resulted. At the same time, we have preserved most friendly relations with the Federal Government with whom we now have common cause against those who are attempting to assault our Democracy.

Sincerely yours,

FRED E. STEWART

State Taxation of Cost-Plus-a-Fixed-Fee Contractors

In a letter to the General Counsel, Maritime Commission, dated November 17, 1941, Samuel O. Clark, Jr., Assistant Attorney General, stated the position of the Department of Justice in connection with State Taxation of Cost-Plus-a-Fixed-Fee Contractors in the light of *State of Alabama vs. King and Boozer* and *John C. Curry vs. United States and Dunn Construction Company, Inc.*, decided by the Supreme Court of the United States on November 10, 1941.

"On Monday, November 10, 1941, the Supreme Court of the United States reversed the decisions of the Supreme Court of Alabama in the two cases, *State of Alabama vs. King and Boozer* and *John C. Curry vs. United States and Dunn Construction Company, Inc.* In both cases the court held that the relationship between cost-plus-a-fixed-fee contractors and the War Department was not such as would entitle the contractors to share the constitutional immunity of the United States from State taxation. Specifically the court held in the former case that purchases of materials made by the cost-plus-a-fixed-fee contractor were purchases made by the contractor and not by the United States and therefore were subject to the Alabama sales tax imposed upon purchases made within the State. In the latter case the court held that materials purchased by the contractor outside of the State for use in construction work under the contract were used by the contractor and not by the United States, and that such use was subject to the Alabama use tax.

In appraising the extent to which these decisions settle the question of immunity as to cost-plus-a-fixed-fee contractors with other departments or agencies of the Government, whose contracts may differ in some particulars from the War Department contract which was before the court, it should be noted that the contract in question contained broad provisions that title to all articles should vest in the Government upon delivery at the site, and upon inspection and acceptance; that the purchase orders directed the supplier to ship the material to the United States Quartermaster; and that in the former case the inspection of the materials was made and title vested in the Government at the supplier's mill, rather than at the site of the work. The factor considered by the court as determinative was that the contractor, rather than the United States was liable for the cost of the materials. Accordingly, it appears that no constitutional immunity attaches to purchases made through the medium of contractors. This does not mean, and the court did not decide, that purchases of materials which are purchased and paid for directly by the United States are subject to State taxation.

The court expressly refused to consider the question whether such sales or uses would be constitutionally immune from State taxation if consummated upon a Federal reservation over which the United States had acquired exclusive taxing jurisdiction through cession of such jurisdiction by the State and acceptance by Congress. This question was raised by the pleadings in *John C. Curry vs. United States and Dunn Construction Company, Inc.*, but was not considered by the Alabama courts, since their decisions were based upon broader grounds. The Supreme Court remanded the case to the Supreme Court of Alabama for further consideration of this point. It is expected that the Supreme Court of Alabama will in turn remand it to the trial court. However, it is probable that Public No. 819, c. 787, 76th Cong., 3d Session, permits taxation of the contractors by the State on and after January 1, 1941.

With respect to motor fuel taxes, our study indicates that the acts in more than three-fourths of the states contain exemptions or provisions for refund, in one form or another, where consumption occurs off the highways. These exemptions can be made the basis for very substantial savings and it is therefore suggested that contractors or distributors be instructed to file appropriate claims."

Respectfully,

(Signed)

For the ATTORNEY GENERAL
SAMUEL O. CLARK, JR.
Assistant Attorney General

December 2, 1941

MEMORANDUM FOR The Chief of the Air Corps, The Chief, Chemical Warfare Service, The Chief of Coast Artillery, The Chief of Engineers, The Chief, National Guard Bureau, The Chief of Ordnance, The Quartermaster General, The Chief Signal Officer, The Surgeon General

COPY TO: The Judge Advocate General

SUBJECT: California State Taxes

1. A number of inquiries have been received from cost-plus-a-fixed-fee contractors and from contracting officers supervising the administration of such contracts on projects in the State of California, concerning the reimbursable character of invoices presented by materialmen to cost-plus-a-fixed-fee contractors, where the materialman includes in the price of his goods retail sales, and/or use taxes imposed by the Statutes of California upon the vendor or materialman.

2. Pending further instructions, and subject to the provisions of applicable directives concerning direct purchases in relation to State taxes, contracting officers will inform fixed-fee contractors that such taxes, imposed with respect to purchases made on or after the date of this memorandum, will be reimbursed to the fixed-fee contractor in cases where such taxes have formed a part of the price paid by the fixed-fee contractor. Reimbursement will also be made to cost-plus-a-fixed-fee contractors for California gasoline taxes paid by them for gasoline purchases made after the date of this memorandum.

3. Retail sales and/or use taxes, although forming part of the total price of the goods, must be separately listed on the materialman's or supplier's invoice. The statement now required to be stamped or otherwise placed upon all vendor's invoices, "State or local sales taxes are not included in the amounts billed," should be deleted, and there will be added in its place the following:

"In case it shall ever be determined that the foregoing tax was not required to be paid by the vendor, the vendor agrees to make prompt application for the refund thereof, to take all proper steps to procure the same, and when received, to repay the same to the United States."

4. Contracting officers will require that fixed-fee contractors take advantage for the benefit of the United States of all statutory tax exemptions and refunds, including among others, the exemption of or refund of the tax on gasoline used elsewhere than on the highways.

By direction of the Under Secretary of War:

JOHN W. N. SCHULZ, Brigadier General, U. S. Army
Director of Purchases and Contracts

FROM: The Secretary of the Navy

To: All Bureaus and Offices, The Compensation Board, and Commandants of the Eleventh and Twelfth Naval Districts

SUBJECT: California State sales or use taxes

1. The United States Supreme Court Decisions of November 10, 1941, in the cases of the *State of Alabama vs. King and Boozer* and the *State of Alabama vs. Curry*,¹ have necessitated the modification of existing instructions with regard to State and local taxation which may be required in connection with cost-plus-a-fixed-fee contracts.

2. The California State Board of Equalization contends that the California sales and use taxes are applicable to certain purchases or uses, as the case may be, by cost-plus-a-fixed-fee contractors. While there are a few legal questions to be determined in connection with the application of the California tax, it appears that there is sufficient justification at the present time for allowing some taxes as reimbursable items of cost. In order to prevent delays in the acquisition of needed materials by cost-plus-a-fixed-fee contractors, and controversies with State tax officials, contracting officers are hereby advised that cost-plus-a-fixed-fee contractors should be informed that they will be reimbursed for the amount of sales or use taxes that have been added to the purchase price, or levied on account of the use of material or property purchases or used by such cost-plus-a-fixed-fee contractors on or subsequent to November 10, 1941, if a certification in the form set forth in paragraph 3 is obtained, and provided that such material or property has not been purchased directly by the United States for the account of a cost-plus-a-fixed-fee contractor or by the cost-plus-a-fixed-fee contractor in the name of and for the account of the United States.

3. Cost-plus-a-fixed-fee contractors, on requests for bids, are now required to obtain on the bids and on invoices, a certificate stating that in the prices set forth therein "State or local taxes are not included." This statement on the certificate

¹ No doubt the intended citation is *Curry vs. United States*, 62 Sup. Ct. 48, 86 L. Ed. (Adv. Op.) 6.

may be deleted, and cost-plus-a-fixed-fee contractors are authorized to pay invoices, if otherwise correct, containing the following statement:

"The amount of State or local sales, use, occupational, gross receipt, or other similar taxes or license fees imposed on the vendor or vendee by reason of this transaction is \$_____. The vendor or vendee, as the case may be, agrees upon direction of the United States to make appropriate claim for refund and in the event of any refund, to pay the amount thereof to the United States."

4. Rule No. 73 of the California State Board of Equalization, effective October 1, 1937, requires that retail sales or use taxes, although forming part of the total price of the goods must be separately listed on the material man's or supplier's invoice.

5. Taxes claimed due on transactions prior to November 10, 1941 shall not be paid by contractors, but in each instance a complete statement of circumstances in the nature of a claim shall be forwarded by the cost-plus-a-fixed-fee contractor through regular channels to the Secretary of the Navy for disposition.

6. Materials and supplies purchased for shipment to points outside the State of California, or passing through the State of California are not subject to California taxes, and invoices should clearly indicate that no California tax is included thereon.

7. Reimbursement will also be made to the cost-plus-a-fixed-fee contractors for California gasoline taxes paid by them.

8. Contracting officers will require that cost-plus-a-fixed-fee contractors take advantage, for the benefit of the United States, of all statutory exemptions and rights for refund. In the case of gasoline used elsewhere than on the highway, this refund represents the difference between the gasoline tax and the sales tax.

9. Necessary instructions shall be issued to field forces to put the foregoing into effect.

10. Specific instructions regarding the tax situation in other States will be issued separately.

RESOLUTIONS

The following resolution was offered:

By Messrs. Burns, Hugh M., Kellems, Dilworth, Phillips and Tenney:

House Resolution No. 21

Relative to an additional appropriation from the Contingent Fund for the Assembly Fact-Finding Committee on Un-American Activities in California.

WHEREAS, By House Resolution No. 277 of the Fifty-fourth Regular Session of the Legislature, the Assembly Fact-Finding Committee on Un-American Activities in California was created; and

WHEREAS, It is necessary for the proper functioning of that committee to make additional funds available to it; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of five thousand dollars (\$5,000) is hereby appropriated to the Assembly Fact-Finding Committee on Un-American Activities in California from the Contingent Fund of the Assembly, said sum to be in augmentation of any and all sums heretofore appropriated to said committee.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 3

Assembly Joint Resolution No. 3—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andrews, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Johnson, Kepple, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3

Senate Concurrent Resolution No. 3—Relative to requesting the Department of Motor Vehicles to furnish local draft boards with information necessary to prevent draft evasion.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Milington, O'Day, Pelletier, Phillips, Poole, Poulson, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 21

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

SECOND READING OF ASSEMBLY BILL NO. 2

Assembly Bill No. 2—An act to add Section 554.5 to the Military and Veterans Code, relating to the use of the State Guard, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Mr. Middough moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 8, inclusive, and insert "service shall be stationed in the home district in which the several units were recruited, unless the battalion commander consents to the units under his command being stationed elsewhere."

Amendment read and adopted.

Bill ordered reprinted, engrossed, and re-referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 14: By Messrs. Desmond and Burns, Hugh M.—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Referred to Committee on Rules.

CONSIDERATION OF HOUSE RESOLUTION NO. 21

House Resolution No. 21

Relative to an additional appropriation from the Contingent Fund for the Assembly Fact-Finding Committee on Un-American Activities in California.

WHEREAS, By House Resolution No. 277 of the Fifty-fourth Regular Session of the Legislature, the Assembly Fact-Finding Committee on Un-American Activities in California was created; and

WHEREAS, It is necessary for the proper functioning of that committee to make additional funds available to it; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of five thousand dollars (\$5,000) is hereby appropriated to the Assembly Fact-Finding Committee on Un-American Activities in California from the Contingent Fund of the Assembly, said sum to be in augmentation of any and all sums heretofore appropriated to said committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—Kilpatrick, and Massion—2.

REQUEST FOR UNANIMOUS CONSENT

Mr. Field asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 6, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 6

Senate Concurrent Resolution No. 6—Relating to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.

Resolution read.

The roll was called, the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—Collins, George D., King, and Richie—3.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 22

Resolved, That the Controller be and he is hereby authorized to draw his warrants on the Contingent Fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same:

Edward A. Grebitus, Jeweler (Repairing Assembly Clock)----- \$7 50

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 22, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J., Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kel lens, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—69.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 15: By Mr. Lyon—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Resolution read.

MESSAGES FROM THE GOVERNOR

A message from the Governor inclosing a communication from the War Department was received.

Motion to Read Message

Mr. Maloney moved that the message from the Governor and the inclosed communication from the War Department be now read.

Motion carried.

Message from the Governor read.

Reading of Communication

During the reading of the communication from the War Department a point of order was raised that the communication was of a confidential nature.

Communication Referred to Committee on Rules

The Speaker referred the communication from the War Department and the message from the Governor to the Committee on Rules.

**FURTHER CONSIDERATION OF ASSEMBLY CONCURRENT
RESOLUTION NO. 15**

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Resolution read.

Demand for Previous Question

Messrs. Collins, Sam L., Knight, John B., Stream, Field and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 15.

The roll was called, and the resolution adopted by the following vote:

AYES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dilworth, Field, Hastain, Heisinger, Howser, F. N., Johnson, Kelless, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—42.

NOES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Del Mutolo, Dills, Doyle, Evans, Gaffney, Hawkins, Houser, Frederick F., Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Pfaff, Richie, Robertson, Russell, Tenney, Thomas, and Welch—28.

Resolution ordered transmitted to the Senate.

Explanation of Vote

I did not wish to vote to recess until I had heard the letter from Lieutenant General De Witt read, as I wished to be sure that the letter had no bearing on our recessing.

T. J. DOYLE

COMMUNICATIONS

The following communication was received and read, and on motion of Mr. Poulson, ordered printed in the Journal:

STATE OF CALIFORNIA, LEGAL DEPARTMENT
SAN FRANCISCO, September 11, 1941

Honorable Norris Poulson, Member of Assembly, Fifty-sixth District
3729 Tracy Street, Los Angeles, California

DEAR SIR: I have your letter of August 21, 1941, wherein you ask to be advised whether the State Controller has the power and authority to audit the Department of Finance. In this connection you refer to Section 433 of the Political Code, which provides, in part, as follows:

"It is the duty of the Controller:

1. To superintend the fiscal concerns of the State.
- * * * * *
14. In his discretion to inspect the books of any person charged with the receipt, safekeeping or disbursement of public moneys.
15. In his discretion to require all persons who have received moneys or securities, or have had the disposition or management of any property of the State of which an account is kept in his office to render statements thereof to him; and all such persons must render such statements at such times and in such form as he may require."

The Controller is a constitutional officer (Section 17, Article V, Constitution) and while the Constitution is silent with respect to the duties to be performed by him it must be presumed that the duties are such as pertained to that office elsewhere and as may be prescribed by the Legislature consistent therewith.

See *Love vs. Baehr*, 47 Cal. 364.

It has been held that the terms "auditor" and "controller" are synonymous and that the official designation of "controller" in a State Constitution, of its own force was a positive delegation of the powers usually incident to the office of controller, auditor, controller-general, auditor-general or any of the various names used to designate a like officer.

Lewis vs. Doron, 5 Nev. 399,
Pac. States Rep. Book 34.

In 13 *Corpus Juris* 842 "controller" is defined as

"An officer, who has the inspection, examination, or controlling of the accounts of other officers; one who keeps a counter register of accounts; a supervising officer of revenue, invested with many powers, among which is the examination and allowance of claims against the State; an auditor."

It seems clear, therefore, that even in the absence of legislative direction the constitutional power of the Controller includes the right to audit other departments of the State Government.

It is, of course, true that under Sections 658 and 679 of the Political Code the Department of Finance is given full power to examine all records, files, documents, accounts, cash, cash drawers, etc. and all financial affairs of every officer or person mentioned in Section 677 of the code. However, the fact that such power is given to the Department of Finance does not take away from the Controller the constitutional power delegated to him by virtue of his official designation.

See *Lewis vs. Doron, supra*.

It is to be noted that under Subdivisions 14 and 15 of Section 433 the Controller is expressly given the power in his discretion to inspect the books of any person charged with the receipt, safekeeping or disbursement of public moneys and to require all persons who have received moneys or securities or have had the disposition or management of any property of the State of which an account is kept in his office to render statements thereof to him. The power to inspect books and to require the rendering of statements, in our opinion, includes the power to audit in order that the correctness of such books or statements can be determined.

Under various provisions of law the Department of Finance is charged with the receipt of public moneys and with the disposition or management of property of the State of which an account is kept in the office of the Controller. For example, under Section 671 of the Political Code, the Director of Finance is required to invest, under certain circumstances, School Land Funds in certain kinds of bonds. Similar provision is made in Section 672 with respect to the Estates of Deceased Persons' Fund. Under Sections 674 and 674a, the director is authorized to purchase State bonds with funds at his disposal, subject to the consent of the State Board of Control. Under Section 675, the director is empowered to let State property, real or personal, under certain circumstances. Under Section 689 of the Political Code (amended by Chapter 824, Statutes 1941) the Department of Finance may fix and collect from special fund departments of the Government certain charges for insurance, rent, etc. for which the Controller is required to draw his warrant in favor of the Department of Finance. Such moneys are required to be accounted for and reported to the Controller at the end of each month.

These and other provisions contained in the law render the Department of Finance subject to the Controller's audit if, in his discretion, he deems such audit necessary or proper.

We conclude, therefore, that wherever under any statute the Department of Finance is charged with the receipt, safekeeping or disbursement of public moneys or wherever the department has received moneys or securities or has had the disposition or management of any property of the State, an account of which is kept in the Controller's Office, the Controller may, in his discretion, inspect and audit the books and accounts relating thereto.

Very truly yours,

EARL WARREN, Attorney General
By W. R. AUGUSTINE, Deputy

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Concurrent Resolution No. 12
And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Johnson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 13, at this time, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 13

Assembly Concurrent Resolution No. 13—Relative to the revocation of certain paroles.

Resolution read.

REQUEST TO READ COMMUNICATION

Upon the request of Mr. Lyon, Chairman of the Committee on Rules, the communication from the War Department, referred to the Committee on Rules for consideration, was read to the Assembly.

Message From the Governor and Communication From the War Department

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, December 20, 1941

Members of the Senate and Assembly

GREETINGS: For your information, in connection with the matters submitted to you for consideration in my Call of the present extraordinary session, and for the information of the public as to the serious need for action on the part of the Legislature as recommended in my Message to you yesterday, I respectfully call your attention to the attached communications which I have just now received from Lieutenant General J. L. DeWitt, Commanding General, Western Defense Command, Headquarters at the Presidio, San Francisco, California.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

Confidential

WAR DEPARTMENT

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY
PRESIDIO OF SAN FRANCISCO, CALIFORNIA
OFFICE OF THE COMMANDING GENERAL, December 19, 1941

*Honorable Culbert L. Olson
Governor of the State of California
Sacramento, California*

DEAR GOVERNOR: I can not emphasize to you too strongly the very real menace at this time to the National safety which arises from the presence in the States comprising the Western Defense Command, in which the State of California is included, of the considerable number of enemy aliens and possible fifth columnists.

Already, since the beginning of hostilities against this country, proof has mounted of fifth column activity and sabotage, particularly in Hawaii and the Philippines, which have caused serious property and Military damage and have contributed to the loss of many American lives.

Conditions which favored those activities and produced those results, exist within your State, and the opportunity for hostile activity of the kind here mentioned is increased during times when the people generally are occupied and their attention diverted by fairs, fiestas and public gatherings and occasions such as the Christmas and New Year's holiday season which is now at hand.

It is vital to the safety and well-being of all our people, as well as to the accomplishment of the mission of the Military Forces engaged in protecting them and their activities that you, through every means at your command, bring the actual and potential sources of such activities under the closest possible surveillance, and that you promptly furnish, or cause to be furnished to the Federal Bureau of Investigation or to the nearest Military authorities, information of suspicious aliens or other persons and of all suspicious activities whatsoever of the kind in question. In addition, all enemy aliens and others believed to be actually or potentially dangerous as fifth columnists or saboteurs should, as far as practicable, be denied entrance or access to sensitive areas such as oil fields, refineries and oil storage facilities, railroad and highway bridges, docks, essential utilities and industrial plants.

Specifically, and in addition to such other measures as may suggest themselves, I request that you give the widest publicity to the situation now existing through a Proclamation, reciting the existing facts, declaring the existence of an unlimited emergency, and if you have not already done so, authorizing the voluntary enrollment of State Guards and such other and additional protective forces as may be authorized by the laws of your State; that you designate some responsible and competent State official to coordinate, supervise and direct the activities of all regular peace and other law enforcement officers of your State in all matters, to coordinate all measures for State and civilian defense in cooperation with the Armed Forces of the United States, to direct and complete the Voluntary Civilian defense organization of your State and to expedite the enrollment and training of personnel for civilian protection services; and, finally, that you enjoin upon the people prompt compliance with the directives of duly constituted Military and civilian authorities.

I assure you that the measures above outlined, if promptly put into operation and carried through with energy and resolution, will immeasurably assist the protection of our people and the accomplishment of the Military mission assigned the undersigned as Commander of the Western Theatre of Operations (Western Defense Command).

I am taking all practicable steps with the troops and means under my command to insure the nonimpairment of those resources and activities essential to the National defense within the Western Theatre of Operations which comprises the States of California, Oregon, Washington, Nevada, Utah, Idaho, Arizona and Montana.

The accomplishment of the Military mission assigned, in all its ramifications, does not permit the assignment of troops for the protection of every possible place, facility or industry that is subject to sabotage and fifth column activity. The people in every State and every community of the Western Theatre of Operations have a definite responsibility in this regard; and it is in order to insure that they realize it and bring to bear every possible means for combating this insidious danger that I ask you to take the action requested herein.

I am furnishing a copy of this letter to the Military commanders responsible for the application of Military measures within your State with direction that they contact the municipal authorities within their areas to insure full cooperation and coordination between the action of the troops under their command and the civil authorities.

A letter similar to this one is being sent to the Governors of the other States named above as comprising the Western Theatre of Operations.

Very truly yours,
(Signed)

J. L. DEWITT
Lieutenant General, U. S. Army

WAR DEPARTMENT

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY
PRESIDIO OF SAN FRANCISCO, CALIFORNIA

OFFICE OF THE COMMANDING GENERAL, December 19, 1941

Honorable Culbert L. Olson
Governor of the State of California
Sacramento, California

DEAR GOVERNOR: Referring to my letter to you of this date concerning measures for the prevention of fifth column activities and sabotage, I have today received a copy of the Proclamation issued by you on December 14, 1941, reciting the existence of a state of war between the United States and Japan, Germany, and Italy.

This Proclamation substantially complies with the pertinent suggestions contained in my letter above mentioned.

Your prompt and vigorous action in thus proclaiming the existing state of war and in setting in motion the defense forces of your State is a source of much gratification.

Very truly yours,
(Signed)

J. L. DEWITT
Lieutenant General, U. S. Army

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, A state of war now exists between the Government of the United States of America and the governments of Japan, Germany and Italy; and

WHEREAS, With a thousand miles of coast line along the Pacific, the geographical position of the State of California places it in the first line of defense against invasion, and this State may at any time become a Theatre of War. Already enemy reconnaissance, if not bombing, planes are known to have passed along our coast and to have covered a part of the interior areas. Our great natural resources, our huge oil supplies, our enormous agricultural and industrial production, our numerous air craft factories, shipbuilding yards, and other facilities needed to sustain our Nation in the winning of the war, are the natural objectives of attempted aggressions of our enemies; and

WHEREAS, California is thus confronted with numerous and immediate problems arising out of the existing state of war, including the need for full cooperation of its citizens in carrying out plans and directions of the Army and the Navy and other war and civilian defense agencies of the Governments of the United States and of the State and local governments in the successful prosecution of the war, and for home and civilian defense and protection of the life and property and the health and welfare of the civilian population; and

WHEREAS, The State of California has within its borders numerous extensive Military and Naval reservations and bases dependent upon its transportation and communication facilities, its port facilities, its bridges, dams, levees, utilities, essential to the successful prosecution of the war and to civilian protection, requiring in that protection the services of State and local governments; and

WHEREAS, The welfare and safety of the people of this State and the protection of its resources, utilities and facilities against sabotage and subversive activities calls for emergency actions on the part of State and local governments; and

WHEREAS, Plans are adopted by the State Council of Defense, in cooperation with the office of civilian defense of the Nation and of local councils of defense, for the purpose of meeting these requirements and responding to the needs of the people in any emergency, disaster or threat of disaster, in any part of the State; and

WHEREAS, The present emergency must be recognized by State and local governments and by the people in order that the plans and purpose of the State Government and its Council of Defense and the several local governments and their councils of defense may be successfully effectuated; now, therefore

I, CULBERT L. OLSON, GOVERNOR OF THE STATE OF CALIFORNIA, Under and by virtue of the authority vested in me as Chief Executive of the State of California, and in accordance with the Constitution and laws of the State, I do hereby proclaim and declare that a state of emergency exists throughout the State of California, and I hereby designate the duly constituted officers of the State and of each city and of each city and county and of each county, as the officers to take charge of this emergency in their respective jurisdictions, and to carry into effect plans for civil protection adopted by the State Council of Defense and by local councils of defense in accordance therewith, in cooperation with the duly constituted authorities of the Government of the United States in the prosecution of the war and in provisions for civilian protection.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fourteenth day of December, A. D., 1941.

[SEAL]

CULBERT L. OLSON
Governor of California

Attest: PAUL PEEK, Secretary of State

FURTHER CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 13

Assembly Concurrent Resolution No. 13—Relative to the revocation of certain paroles.

Resolution read.

Motion to Postpone Action

Mr. Evans moved that consideration of Assembly Concurrent Resolution No. 13 be postponed until Sunday, December 21st, at 11 a.m.

The roll was called, and the motion lost by the following vote:

AYES—Bashore, Evans, Gaffney, Kilpatrick, King, Massion, O'Day, Richie—8.
NOES—Burkhalter, Burns, Hugh M. Call, Carlson, Clarke, Collins, Sam L. Cronin, Daley, Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Hastain, Heisinger, Houser, Frederick F. Howser, F. N. Johnson, Kellems, Kepple, Knight, John B. Knight, T. Fenton; Leonard, Lowrey, Lyon, McCollister, Meehan, Miller, Millington, Pfaff, Phillips, Poole, Potter, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—51.

Demand for Previous Question

Messrs. Lyon, Knight, John B., Turner, Stream and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 13.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M. Call, Carlson, Clarke, Collins, Sam L. Cronin, Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Hastain, Heisinger, Houser, Frederick F. Johnson, Kellems, Kepple, Knight, John B. Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Phillips, Potter, Poulson, Salsman, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—43.

NOES—Andreas, Evans, Hawkins, Kilpatrick, King, Massion, O'Day, Poole, Richie, and Thomas—10.

Resolution ordered transmitted to the Senate.

Explanations of Vote

I did not vote on this resolution because there was no legal evidence or testimony presented before the Assembly and we were not given an opportunity to know the facts of the case involved. I do not believe that we should assume to judge the propriety of the action of the Parole Board without such evidence or testimony or the reasons of the Parole Board which took this action.

RALPH C. DILLS

I do not know the facts connected with the conviction or parole of King, Ramsay and Conner, and do not wish to sit in judgment in the matter of whether the paroles were in order.

VERNON KILPATRICK

Explanation of Refusal to Vote

Due to lack of adequate and authentic information being brought to the attention of this Body and to my personal conviction that the Legislature has no right under the Constitution to condemn parolees to reimprisonment regardless of the belief of some members as to a miscarriage of justice on the part of the Prisons and Parole Board, I refused to vote on said resolution.

(Signed)

EDWARD M. GAFFNEY

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

Copy to Honorable Roger Alton Pfaff.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act relating to the protection of public property by counties, making an appropriation therefor, and providing for the supervision thereof by the State Board of Control, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Earl D. Desmond.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act appropriating public funds of this State for use by the counties thereof in meeting emergencies due to war or other public disaster, declaring the urgency hereof, and providing that this act shall take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Randal F. Dickey.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act authorizing the Department of Natural Resources to furnish to cities, counties, and cities and counties property, facilities and services of personnel to meet emergencies created by war or other public disaster, and making an appropriation,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Randal F. Dickey.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act making an appropriation for the purchase of fire equipment for defense purposes, and to provide for the utilization of such equipment, declaring the urgency of this act, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

Copy to Honorable Jack B. Tenney.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act making an appropriation for the cost of repair and restoration of property damaged or destroyed by storms or floods and for the cost of prevention of further damage and destruction; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Everett G. Burkhalter.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 18: By Mr. Pfaff—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 19: By Mr. Desmond—An act relating to the protection of public property by counties, making an appropriation therefor, and providing for the supervision thereof by the State Board of Control, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 20: By Mr. Dickey—An act appropriating public funds of this State for use by the counties thereof in meeting emer-

gencies due to war or other public disaster, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 21: By Mr. Dickey—An act authorizing the Department of Natural Resources to furnish to cities, counties, and cities and counties property, facilities and services of personnel to meet emergencies created by war or other public disaster, and making an appropriation.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 22: By Mr. Tenney—An act making an appropriation for the purchase of fire equipment for defense purposes, and to provide for the utilization of such equipment, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 23: By Messrs. Burkhalter and Kilpatrick—An act making an appropriation for the cost of repair and restoration of property damaged or destroyed by storms or floods and for the cost of prevention of further damage and destruction; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Joint Resolution No. 5: By Messrs. Heisinger, Garland and Stream—An act relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes.

Request for Unanimous Consent

Mr. Heisinger asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 5, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 5

Assembly Joint Resolution No. 5—An act relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES: Andreas, Bashore, Burkhalter, Burns, Michael J., Carlson, Clarke, Cronin, Crowley, Daley, Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lyon, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES: None.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered :

Assembly Joint Resolution No. 6: By Messrs. Desmond, Knight, John B., Knight, T. Fenton ; Kepple, Welch, Poulson and Wollenberg—An act relative to memorializing Congress to oppose federalization of State Unemployment Insurance and employment services.

Referred to Committee on Rules.

RECESS

At 6 p.m., on motion of Mr. Lyon, the Assembly recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted :

Assembly Concurrent Resolution No. 3

Assembly Concurrent Resolution No. 7

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted :

Assembly Joint Resolution No. 1

Assembly Concurrent Resolution No. 1

Assembly Concurrent Resolution No. 4

Assembly Concurrent Resolution No. 5

Assembly Concurrent Resolution No. 6

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused adoption to :

Assembly Concurrent Resolution No. 15

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended :

Assembly Joint Resolution No. 2

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Joint Resolution No. 2?

Amendment No. 1

On page 2, line 22, of the printed bill, strike out "an absolute necessity", and insert "absolutely necessary".

Amendment No. 2

On page 2, line 22, of the printed bill, strike out "do".

Amendment No. 3

On page 2, line 23, of the printed bill, strike out "so", and insert "curtail such activities herein mentioned".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Joint Resolution No. 2 by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Cronin, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, Pelletier, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—55.

NOES—None.

Resolution ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 8

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 4

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 5

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were read:

Senate Concurrent Resolution No. 8—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense.

Referred to Committee on Rules.

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States.

Referred to Committee on Rules.

Senate Joint Resolution No. 5—Relative to memorializing the President and Congress of the United States to give immediate consideration to the San Francisco Bay Project.

Referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 16: By Mr. Welch—Relative to policemen and firemen.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Mr. Pelletier:

House Resolution No. 23

WHEREAS, The United States of America is aligned with the democracies of the world in a war to eliminate the forces which seek to annihilate all free peoples and establish a dictatorship over all the people of the world; and

WHEREAS, In these critical times it is essential that each individual recognize the solemn duty which he owes to his Nation, in order that its National life and glorious institutions may be preserved; and

WHEREAS, It is therefore fitting and proper that the American Flag be displayed on every hand as a constant reminder of our Democracy and of the American way of life; now, therefore, be it

Resolved by the Assembly of the State of California, That the public officials of this State are hereby requested to display the American Flag appropriately on all State, county, municipal, and other public buildings.

Request for Unanimous Consent

Mr. Pelletier asked for, and was granted, unanimous consent to take up House Resolution No. 23, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Call, Clarke, Collins, George D., Cronin, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 17: By Mr. Desmond—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray.

Request for Unanimous Consent

Mr. Desmond asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 17, at this time, without reference to committee or print, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Cronin, Del Muiolo, Desmond, Dickey, Dills, Donnelly, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—59.

NOES—None.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 9

House Resolution No. 9

WHEREAS, That valiant band of men, whose motto is "Semper fidelis" and whose battle song is "From the Halls of Montezuma to the Shores of Tripoli," who have so gallantly kept the Flag of the United States flying over Wake Island, in reply to questions if there was anything further they wanted, so typical of the grand organization to which they belong, make this reply, "Send Us More Japs," a remark which has now become synonymous with those other classic mottoes of our Nation, "Don't give up the ship," "Damn the torpedoes," and "Remember the Maine"; and

WHEREAS, This reply will ring down in history and remain emblazoned on the hearts of our free people and be an inspiration to all Americans; and

WHEREAS, If the Japanese army and navy ever gaze on Heaven's scenes, they will be pushed up and down the cobblestones by the United States Marines; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Legislature express their praise and honor of these brave men and of their courage and loyalty which still keeps the Stars and Stripes waving in the Pacific breezes of little Wake Island; and be it further

Resolved, That copies of this resolution be suitably prepared and sent to the Department of the Pacific, United States Marine Corps, to be distributed to the men at Wake Island; and be it further

Resolved, That the Marine Corps be requested that this recognition and commendation of the valorous conduct of these men be inscribed on their record books.

Resolution read and adopted.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dilworth:

House Resolution No. 24

Relative to adjournment out of respect to the memory of the
Honorable Charles S. McKelvey.

WHEREAS, The Members of the Assembly have learned with sorrow that an end has come to the long and distinguished career of their former colleague, Charles S. McKelvey; and

WHEREAS, The Honorable Charles S. McKelvey served with distinction as a Member of the Assembly from Orange County in 1895, and for some time held a commission as Major in the California National Guard; now, therefore, be it

Resolved, That when the Assembly adjourns this day it do so out of respect to the memory of the late Charles S. McKelvey; and that we do hereby extend our sincere sympathy to the members of the bereaved family; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the widow of our departed former Colleague, Mrs. Elizabeth McKelvey of Los Angeles, and to his three daughters, Elizabeth McKelvey of Hemet, Helena McKelvey of Los Angeles, and Mrs. Alex Krater of Independence.

Request for Unanimous Consent

Mr. Dilworth asked for, and was granted, unanimous consent to take up House Resolution No. 24, at this time, without reference to committee.

Resolution read and adopted.

By Mr. Dilworth:

House Resolution No. 25

Relative to adjournment out of respect to the memory of the late Archibald E. Brock

WHEREAS, Word has come to the Members of the Assembly that on August 27, 1941, in the State of New Jersey, the Honorable Archibald E. Brock laid down the cares and tribulations of this earthly existence; and

WHEREAS, Archibald E. Brock will long live in the memories of the people of the State of California for his untiring service to them as a Member of the Assembly from 1925 to 1935, and in the memories of the people of the City of Redlands for his devoted services to them as mayor of their city from 1916 to 1925; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby express our grief at the passing of our loved former Colleague, and extend to the members of his family our very sincere sympathy; and that when the Assembly adjourns this day it do so out of respect to the memory of the late Archibald E. Brock; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the two daughters of Archibald E. Brock, Mrs. Bessie McCoy of Ventura and Mrs. Jeanne Gidney of Ridgeway, New Jersey.

Request for Unanimous Consent

Mr. Dilworth asked for, and was granted, unanimous consent to take up House Resolution No. 25, at this time, without reference to committee.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 2

Assembly Bill No. 4

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

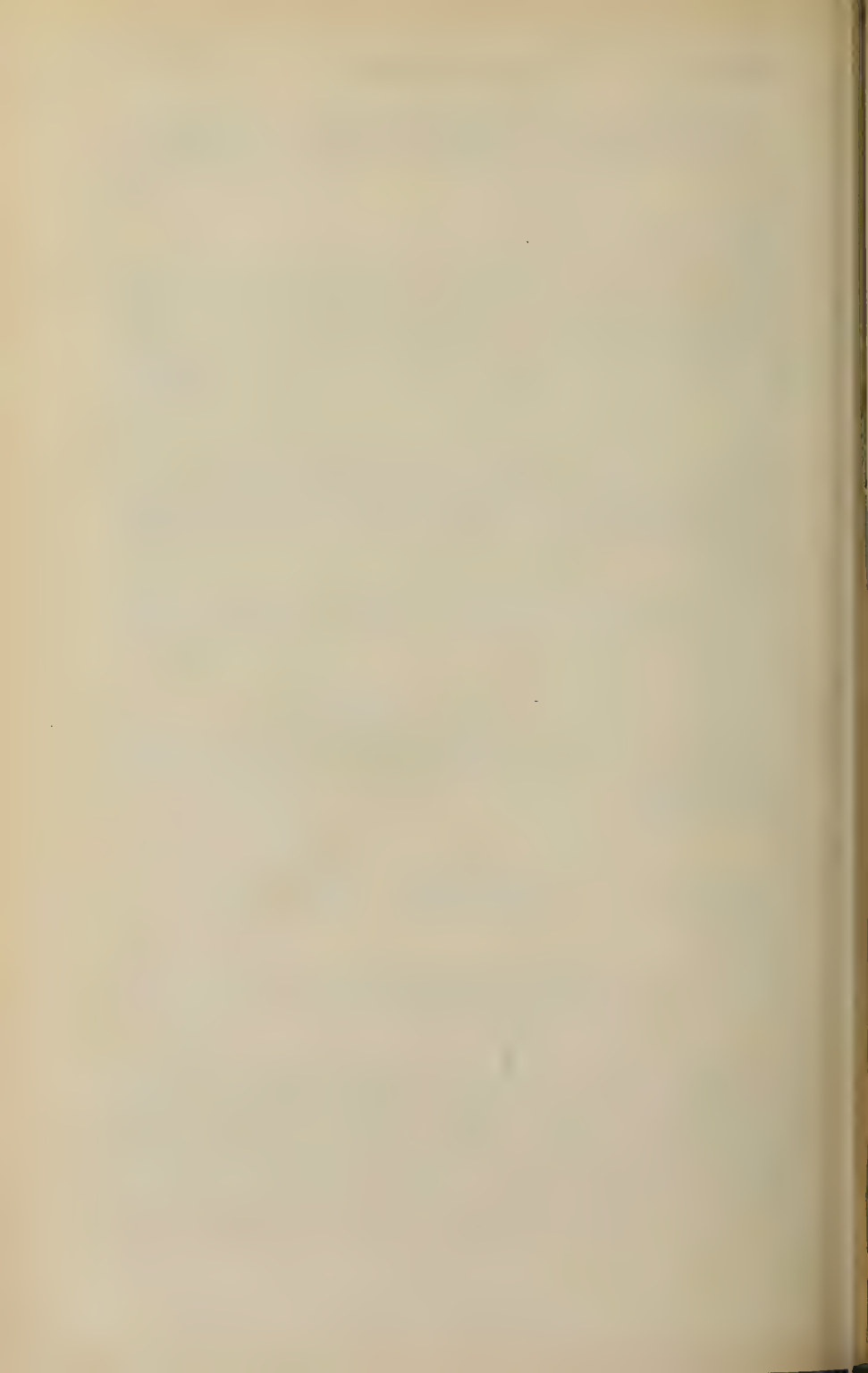
On request of Mr. Middough, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Jane Tucker of Long Beach.

On request of Mr. Lyon, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Cadet Robert J. Finnie, U. S. Navy Air Corps, Oakland Air Base, and Miss Virginia Coffman, Sacramento.

ADJOURNMENT

At 9.25 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Sunday, December 21, 1941, out of respect to the memory of former Assemblyman Charles W. Dempster, former Assemblyman Harry F. Sewell, former Senator Morris Bedford Harris, former Assemblyman Charles S. McKelvey and former Assemblyman Archibald E. Brock.

C. WILLIAM QUEALE, Minute Clerk



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRD LEGISLATIVE DAY
THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
SUNDAY, December 21, 1941

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—73.

Quorum present.

PRAYER

On invitation of the Speaker, prayer was offered by the Hon. Jesse Randolph Kellems, Member of the Assembly from the Sixtieth Assembly District.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Stream.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 6

Senate Joint Resolution No. 5

Senate Concurrent Resolution No. 8

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 5

Senate Joint Resolution No. 5 Relative to memorializing the President and Congress of the United States to give immediate consideration to the San Francisco Bay Project.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Collins, George D., Desmond, Donnelly, Gaffney, Gallagher, King, Lyon, Maloney, O'Day, Russell, Sawallisch, Welch, and Wollenberg—13.

NOES—Bashore, Burkhalter, Call, Carlson, Clarke, Daley, Diekey, Dills, Dilworth, Evans, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Kellens, Kilpatrick, Knight, T. Fenton, Leonard, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Richie, Salsman, Stream, Thomas, Thorp, Turner, Watson, and Weybret—34.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 3

Senate Bill No. 4

Senate Bill No. 8

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 8—An act to add Section 555.5 to the Military and Veterans Code, relating to the right of members of the State Guard called into active service to reinstatement in their former employment upon termination of service, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 3
 Assembly Joint Resolution No. 4
 Assembly Concurrent Resolution No. 9
 Assembly Concurrent Resolution No. 10
 Assembly Concurrent Resolution No. 11
 Assembly Concurrent Resolution No. 13

J. A. BEEK, Secretary of the Senate
 By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 20, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 6

J. A. BEEK, Secretary of the Senate
 By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Joint Resolution No. 6—Relative to flood control on the Sacramento River.

Referred to Committee on Rules.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 8

Senate Concurrent Resolution No. 8—Relative to participation by the Lieutenant Governor, the President pro tempore of the Senate, and the Speaker of the Assembly in the activities of the Council of Defense.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Wollenberg, and Mr. Speaker—59.

NOES—None.

Resolution ordered transmitted to the Senate.

MOTION TO PRINT STATE GUARD BUDGET IN JOURNAL

Mr. Frederick F. Houser moved that the following Budget of the California State Guard be ordered printed in the Journal:

Motion carried.

State Guard Budget

The budget for the California State Guard is predicated on the activation of

25,000	Enlisted men
1,487	Commissioned officers
13	Warrant Officers

Total 26,500 men

The financial requirements for pay and allowances are outlined as follows:

13 Colonels	@ \$6,596 per annum	\$83,148 00
39 Lieutenant Colonels	@ \$5,700 per annum	222,300 00
65 Majors	@ \$5,148 per annum	334,620 00
312 Captains	@ \$4,032 per annum	1,257,984 00
478 First Lieutenants	@ \$3,348 per annum	1,600,344 00
580 Second Lieutenants	@ \$2,340 per annum	1,357,200 00
13 Warrant Officers	@ \$2,472 per annum	32,136 00
Total 1,500 Commissioned and Warrant (\$3,258.49)		\$4,887,732 00
250 First Sergeants	@ \$1,080 per annum	\$270,000 00
250 Staff Sergeants	@ \$1,008 per annum	252,000 00
2,750 Sergeants	@ \$ 936 per annum	2,574,000 00
2,500 Corporals	@ \$ 864 per annum	2,160,000 00
6,500 Privates, First Class	@ \$ 792 per annum	5,148,000 00
12,750 Privates	@ \$ 720 per annum	9,180,000 00
Total 25,000 Enlisted men		\$19,584,000 00
17,000 First dependents	@ \$ 180 per annum	\$3,060,000 00
6,950 Other dependents	@ \$ 120 per annum	834,000 00
Total 23,950 Dependents		\$3,894,000 00
Subsistence 25,000 enlisted men	@ \$216 annually	\$5,400,000 00
Clothing		1,397,946 00
Total pay subsistence and clothing enlisted men	@ \$1,211.18	\$30,275,946 00
Total 26,500 State Guard units	@ \$1,326.93	\$35,163,678 00
26,500 Men pay, subsistence, clothing		\$35,163,678 00
Equipage (tents, blankets, etc.)		853,162 00
Tentage		11,097 00
Medical equipment, supplies and hospitals		82,176 00
Chemical warfare (masks)		44,500 00
Ordnance (rifles, pistols, ammunition)		375,565 00
Miscellaneous equipment (including harness)		114,453 00
Communication (radio, etc.) utilities service		101,250 00
Transportation (gas and repairs)		145,000 00
Miscellaneous		75,000 00
		\$36,965,881 00
Administration:		
35 employees @ \$125 per month		\$52,500 00
Services and supplies		72,500 00
		\$37,090,881 00

Active Duty Expenditures for California State Guard

Subsistence—

25,000 men @ \$0 60 per day ration allowance	
\$15,000 00 per day	
450,000 00 per month	
5,400,000 00 per year	

Estimate for Pay and Allowances Enlisted Men—

Master Sergeants		\$3 25 per day	0
First Sgt. and Tech.	250 ea.	3 00 per day	\$750 00
Staff Sergeants	250 ea.	2 80 per day	700 00
Sergeants	2,750 ea.	2 60 per day	7,150 00
Corporals	2,500 ea.	2 40 per day	6,000 00
Privates First Class	6,500 ea.	2 20 per day	14,300 00
Privates	12,750 ea.	2 00 per day	25,500 00
Cost per day			\$54,400 00

Allowances for Dependents—

First dependent	17,000 ea. @ \$15 00 mo.	\$255,000 00
Second dependent	6,950 ea. @ 10 00 mo.	69,500 00
Third dependent		

Cost per month.....\$324,500 00

Estimate of Pay for Officers—

Rank	Number	Rates	Amount
Colonel	13	\$533 00	\$6,929 00
Lieutenant Colonel	39	475 00	18,525 00
Major	65	429 00	27,885 00
Captain	312	336 00	104,832 00
First Lieutenant	478	279 00	133,362 00
Second Lieutenant	580	195 00	113,100 00
Warrant Officer	13	206 00	2,678 00

Cost per month.....\$407,311 00

Administration for California State Guard

	Month	Year
Salaries and Wages—35 Employees @ \$125 mo. average	\$4,375 00	\$52,500 00
Materials and Supplies—		
Office	400 00	4,800 00
Printing	200 00	2,400 00
Service and Expense—		
Office	150 00	1,800 00
Traveling	1,500 00	18,000 00
Telephone and telegraph	250 00	3,000 00
Postage	150 00	1,800 00
Freight, cartage and express		7,500 00
Miscellaneous	100 00	1,200 00
Equipment—		
Miscellaneous cardex, filing, other office equipment		5,000 00
Rental of Office Space 15,000 sq. ft. @ .15¢ sq. ft.	2,250 00	27,000 00
Total		\$125,000 00

Clothing For California State Guard

Quantity	Article	Unit Price	Total
936	Aprons, bakers and cooks (6)	\$0 40	\$374 40
25,000	Belts, web, waist	14	3,500 00
25,000	Caps, field, serge 18 oz.	48	12,000 00
936	Coats, bakers and cooks (6)	1 05	982 80
25,000	Coats, serge, 18 oz.	7 45	186,250 00
25,000	Cords, hat, Inf.	06	1,500 00
75,000	Drawers, wool, pr. (3)	96	72,000 00
25,000	Gloves, wool, O.D. pr.	54	13,500 00
25,000	Hats, service	2 24	56,000 00
	Insignias, sleeve, chevron, pr.		
39	Master Sergeant	14	5 46
741	First Sergeant	33	244 53
39	Staff Sergeant	27	10 53
1,170	Sergeant	19	222 30
1,170	Corporal	14	163 80
20,000	Private, First Class	09	1,800 00
5,000	Jumpers, working, denim	78	3,900 00
25,000	Leggins, canvas, dismounted M-1938	62	15,500 00
25,000	Neckties, silk, black	26	6,500 00
25,000	Overcoats, roll collar	10 78	269,500 00
25,000	Raincoats, rubberized M-1938, dismounted	4 84	121,000 00
50,000	Shirts, flannel, olive drab (2)	3 81	190,500 00
50,000	Shoes, service, pr. (2)	3 15	157,500 00
100,000	Socks, wool, light, pr. (4)	18	18,000 00
936	Trousers, bakers and cooks, pr. (6)	1 06	992 16
50,000	Trousers, serge, olive drab, elastique 18 oz. (2)	3 68	184,000 00
5,000	Trousers, working denim	80	4,000 00
75,000	Undershirts, wool (3)	1 04	78,000 00

Total.....\$1,397,945 98

Equipment—California State Guard

Quantity	Article	Unit Price	Total
25,000	Bags, barrack -----	\$0 44	\$11,000 00
17,000	Belts, cartridge, Cal. .30 dismantled -----	3 00	51,000 00
1,000	Belts, pistol M-1912 -----	1 12	1,120 00
75,000	Blankets, wool, olive drab (3) -----	6 33	474,750 00
25,000	Cans, meat, M-1910 -----	50	12,500 00
25,000	Canteens, M-1910 -----	59	14,750 00
25,000	Carriers, pack M-1910 -----	83	20,750 00
25,000	Cots, folding, canvas -----	3 44	86,000 00
25,000	Covers, canteen dismantled M-1910 -----	57	14,250 00
25,000	Cups, M-1910 -----	41	10,250 00
247	Desks, field, small company -----	6 00	1,482 00
25,000	Forks, M-1910 -----	03	750 00
25,000	Haversacks, M-1910 -----	3 40	85,000 00
25,000	Knives, M-1910 -----	11	2,750 00
125,000	Pins, shelter tent, wood -----	01	1,250 00
1,000	Pockets, magazine, double web -----	31	310 00
25,000	Poles, tent, shelter -----	19	4,750 00
25,000	Pouches, 1st aid packet, M-1924 -----	20	5,000 00
25,000	Spoons, M-1910 -----	03	750 00
25,000	Tents, shelter half -----	2 19	54,750 00
Total -----			\$853,162 00

Tentage

156	Flies, tent, wall, large -----	\$10 76	\$1,678 56
156	Poles, tent, ridge 14' -----	1 52	237 12
312	Poles, tent, upright 12' -----	71	221 52
3,000	Pins, tent, large, 24" long -----	03	90 00
200	Tents, pyramidal, M-1934 complete with pins, poles and bags -----	44 35	8,870 00
Total -----			\$11,097 20

Medical Equipment for California State Guard

25,000	20,300 Packets, 1st aid, model carlisle -----	\$0 31	\$7,750 00
390	78,440 Litter w/sling -----	6 22	2,425 80
Total -----			\$10,175 80

Chemical Warfare for California State Guard

5,000	Masks, gas, service, MIA2-IV-III AI, universal size -----	\$8 90	\$44,500 00
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Ordinance for California State Guard

Quantity	Article	Group	Unit Price	Total
10,000	Rifles, U. S. Cal. .30 M-1917	B-1	\$7 50	\$75,000 00
10,000	Bayonets, M-1917	B-1	4 13	41,300 00
10,000	Scabbards, bayonet M-1917	B-1	1 65	16,500 00
10,000	Sling, gun, M-1907, leather	B-3	1 31	13,100 00
12,000	Depressors, follower	B-4	02	240 00
15,000	Helmets, steel	B-13	2 75	41,250 00
1,000	Chests, arm, U. S. Rifle Cal. .30 M-1917	B-16	5 60	5,600 00
100	Chests, packing for bayonet M-1917	B-16	4 13	413 00
500	Racks, arm, M-1920, rifle & pistol	B-16	26 45	13,225 00
1,000	Rods, cleaning barrack M-1916	M-3	40	400 00
500	Oil, lub. Class A, light, pt.	K-1	13	65 00
50,000	Patches, cut, flannel—ea.	K-1	68 per M	34 00
1,000	Pistol, auto. Cal. .45 M-1911 (11)	B-6	26 42	26,420 00
1,000	Holsters, pistol M-1916 Cal. .45 (11)	B-6	1 98	1,980 00
2,000	Magazines, extra auto. pistol	B-6	83	1,660 00
200	Grenades, hand, gas, irritant CN-DM M6, with hand grenade igniting fuse, M200	S-3	2 64	528 00
2,500,000	Cartridges, ball, Cal. .30 M-2 rounds	T-1	33 64 per M	84,100 00
1,000,000	Cartridges, ball, Cal. .45 rounds	T-2	27 75 per M	27,750 00
325	Rising Machine Guns		80 00 ea.	26,000 00
Total				\$375,565 00

Miscellaneous for California State Guard

390	Axes w/helves (2)-----	\$1 25	\$487 50
390	Buckets, G.I. (2)-----	66	257 40
780	Cans, water, G.I. large (4)-----	4 22	3,291 60
780	Cans, milk, 10-gal. (4)-----	4 75	3,705 00
156	Pickaxes w/helves-----	90	140 40
390	Rakes, steel (2)-----	75	292 50
156	Ranges, field No. 1 complete-----	47 13	7,352 28
390	Shovels, short handle (2)-----	1 00	390 00
780	Lanterns comb. complete (4)-----	85	663 00
	Equipment for outfitting one battalion of ski troops—425 @-----	35 00	14,875 00
	Equipment for organizing light fire control unit-----		10,000 00
	Miscellaneous unlisted equipment-----		50,000 00
	Total-----		\$91,454 68

Harness Saddlery and Pack for California State Guard

300	Bags, feed, M-1912	\$1 50	\$450 00
300	Blankets, saddle olive drab	7 50	2,250 00
300	Bridles, Cavalry M-1909, complete	11 50	3,450 00
300	Saddles, McClellan Cav. M-1904	38 00	11,400 00
300	Saddlebags, M-1904, pr.	11 78	3,534 00
300	Scabbards, rifle M-1904	6 38	1,914 00
Total			\$22,998 00

Senate Bill No. 3, Chapter 11, Statutes of 1940 (Dec. 11, 1940)

An act to amend Sections 553, 554, 555 and 556 of the Military and Veterans Code, relating to the State Guard, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 553 of the Military and Veterans Code is hereby amended to read as follows:

553. Each member of the State Guard or a licensed Military company shall take and subscribe to an oath that he will support the Constitution of the United States and the Constitution of this State and will obey and maintain all laws and all officers employed in administering the same.

SEC. 2. Section 554 of the Military and Veterans Code is hereby amended to read as follows:

554. Whenever the Governor deems it necessary for the public safety, he may call the State Guard or any licensed Military company into active service of the

State for the causes and purposes for which he may call the National Guard into active service. Such State Guard or Military company shall rendezvous and report for active service at such time and place and to such officer as the Governor designates, and shall enter the active service of the State and obey all lawful orders and commands issued by the Governor or any officer placed in command by his orders in the same manner as if such State Guard or Military company were a part of the National Guard.

SEC. 3. Section 555 of the Military and Veterans Code is hereby amended to read as follows:

555. The members of the State Guard or of a licensed Military company when called into active service by order of the Governor shall be subject to all Military penalties and punishments for violation of the orders of the Governor, or of any officer placed in command of such organization by order of the Governor, as are the members of the National Guard. They shall be subject to the Articles of War and the rules and regulations governing the National Guard, and shall receive the same pay and allowances while in active service as the members of the National Guard.

SEC. 4. Section 556 of the Military and Veterans Code is hereby amended to read as follows:

556. The Governor, when not in conflict with the provisions of the laws of the United States, may, at any time, order, authorize, or recognize, such organizations of the unorganized militia, or of designated classes thereof, or of volunteers therefrom, as he may deem to be for the public interest, and may prescribe therefor parts of the regulations governing the National Guard or the Naval Militia applicable thereto, or establish special regulations therefor, or both. The Governor may likewise, at any time, provide for the separate organization, or authorize the service and enrollment in organizations of the unorganized militia, of persons volunteering for such service, not otherwise subject to Military duty. Any such organizations of the unorganized militia when recruited, organized, ordered into service, authorized or recognized, shall constitute and be known as the State Guard.

The State Guard shall be organized and maintained under and pursuant to the laws of the United States and of the State of California and the rules and regulations prescribed by the Secretary of War or the Governor pursuant thereto. The Governor is authorized to requisition arms and equipment for the State Guard from the War Department. The State Guard may be permitted the use of armories and such other Military facilities and equipment of or in the possession of the State as may be authorized by law or regulations, and which will not in the opinion of the Governor interfere with the proper functioning of the National Guard. The Governor shall make such provisions through The Adjutant General's Office as may be necessary or convenient to properly organize and administer the State Guard, and may make provision for necessary incidental expenses therefor.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

An emergency exists in the United States and the State of California in providing adequate armies and facilities for defense. The National Guard which has heretofore been available to the State as a defense organization is being called into the service of the United States and it is necessary that provision be made to make the unorganized militia more readily available for defense in case of necessity. A part of the National Guard of California has already been called into Federal service and it is necessary that provision be immediately made to make available part of the unorganized militia and in order to provide necessary troops and means of defense, and it is therefore necessary that this act take effect immediately.

SEC. 6. If any part or provision of this act should, by reason of the provision of Article IV, Section 1 of the Constitution, be delayed from taking immediate effect, the remainder of such act shall go into immediate effect notwithstanding the fact that some provisions may not become effective until 90 days following final adjournment of the session enacting this law.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, December 20, 1941

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act relating to the acquiring of defense equipment or personnel or both by cities, counties, and cities and counties, making an appropriation therefor, and providing for the supervision thereof, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

Copy to Honorable F. N. Howser.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for an Armory in Contra Costa County, declaring the urgency hereof, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Harold F. Sawallisch.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

Copy to Honorable Harold F. Sawallisch.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act relating to the furnishing of defense equipment to cities, counties, and cities and counties through the California State Council of Defense and making an appropriation therefor, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Dan Gallagher.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, December 20, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act augmenting the Emergency Fund to provide money for the support of the office of the Controller, declaring the urgency of this act, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Norris Poulson.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 24: By Messrs. Howser, F. N., Stream, Kellems, Middough and Robertson—An act relating to the acquiring of defense equipment or personnel or both by cities, counties, and cities and coun-

ties, making an appropriation therefor, and providing for the supervision thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 25: By Mr. Sawallisch—An act making an appropriation for an Armory in Contra Costa County, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 26: By Messrs. Sawallisch, Lowrey, Hastain and Dickey—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 27: By Messrs. Gallagher, Maloney, Green, Welch, Cronin, Wollenberg, O'Day, Collins, George D., and Gaffney—An act relating to the furnishing of defense equipment to cities, counties, and cities and counties through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Bill No. 28: By Mr. Poulson—An act augmenting the Emergency Fund to provide money for the support of the office of the Controller, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 26

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly in the sum of two hundred fifty dollars (\$250) in favor of Arthur A. Ohnimus, Chief Clerk of the Assembly, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, traveling expenses, and other incidental expenses in connection with completing the work of the Fifty-fourth (First Extraordinary) Session of the Assembly of the State of California. Vouchers and receipts of all expenditures to be furnished to the Controller.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 26, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick

F., Howser, F. N., Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Wollenberg, and Mr. Speaker—62.

NOES—None.

By Mr. Lyon:

House Resolution No. 27

Resolved, That Arthur A. Ohnimus, Chief Clerk of the Assembly, is hereby directed to take charge of arranging and preparing the bills, books and all other records of the Assembly, and filing the same with the Secretary of State, as provided by law, subsequent to adjournment or recess of the Fifty-fourth (First Extraordinary) Session of the Legislature, and all indexing, correcting, comparing and proofreading, and otherwise preparing the Journal of the Assembly of the Fifty-fourth (First Extraordinary) Session of the Legislature, and making the information therein contained readily available for the use of the Members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the Fifty-fourth (First Extraordinary) Session, and of compiling, preparing and having printed after adjournment or recess, a Final Calendar of the legislative business of the Fifty-fourth (First Extraordinary) Session, said Calendar to comprise a history of all bills introduced and their authors, the numbers that shall have become law, those that shall have been read a second time, and any and all such information as will provide a complete history of the session's business and a guide for the information of subsequent sessions of the Legislature, and he shall further prepare a detailed statement of the expenses of both houses of the Legislature during the Fifty-fourth (First Extraordinary) Session.

When said Final Calendar is prepared, the said Arthur A. Ohnimus, Chief Clerk, is directed to forward one copy of the Final History to each public library in the State, which may apply for same, and one copy to each Member of the Assembly, and one copy of the complete unbound chapters to each Member of the Assembly; and be it further

Resolved, That the Chief Clerk is hereby authorized to retain such legislative help as may be necessary to complete the aforesaid work of the Assembly and the same shall be compensated at the same rate paid per diem as allowed them during the time the Legislature is in session; provided, however, that no compensation shall be allowed except for services actually performed and the Chief Clerk is hereby directed to keep an accurate attendance record of all attaches so employed and certified by him to the State Controller as being entitled to compensation; and be it further

Resolved, That the State Controller is hereby authorized and directed to pay weekly compensation in such amounts and to such persons as may be certified to him by the Chief Clerk as being entitled to the same, and such sums shall be payable from the unexpended balance of the fund provided for the pay of officers and attaches of the Assembly.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 27, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

MOTION TO PRINT BILL IN JOURNAL

Mr. Bashore moved that Senate Bill No. 3, Chapter 11, Statutes of 1940 (Dec. 11, 1940), be printed in the Journal immediately following the Budget of the California State Guard.

Mr. Frederick F. Houser seconded the motion.

Demand for Previous Question

Messrs. Robertson, Collins, Sam L., Howser, F. N., Kellems and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the motion to print Senate Bill No. 3, Chapter 11 of the Statutes of 1940, in the Journal immediately following the Budget of the California State Guard.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Messrs. Tenney and Potter:

House Resolution No. 28

Relative to the services of Arthur Ungar, Editor of the Daily Variety, leading to the conviction of Willie Bioff and George Browne

WHEREAS, It was principally through the efforts of Mr. Arthur Ungar of Hollywood, California, Editor of Daily Variety, that Willie Bioff and George Browne, the notorious labor racketeers, were prosecuted and convicted in the Federal Courts; and

WHEREAS, In assisting in the securing of these convictions Mr. Ungar and the Daily Variety have performed an outstanding service; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby congratulates and thanks Mr. Arthur Ungar and the Daily Variety for their efforts leading to the conviction of Willie Bioff and George Browne; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to send a suitably prepared copy of this resolution to Mr. Arthur Ungar, Editor of Daily Variety, Hollywood, California.

Request for Unanimous Consent

Mr. Tenney asked for, and was granted, unanimous consent to take up House Resolution No. 28, at this time, without reference to committee.

Resolution read.

Motion to Table

Mr. Evans moved that House Resolution No. 28 be laid on the table.

Mr. Heisinger seconded the motion.

The roll was called, and the motion lost by the following vote:

AYES—Burkhalter, Collins, George D., Dills, Evans, Heisinger, Kepple, Kilpatrick, King, Knight, T. Fenton; O'Day, Thomas, and Voigt—12.

NOES—Burns, Michael J., Call, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Donnelly, Field, Green, Hastain, Houser, Frederick F., Johnson, Kellems, Knight, John B., Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, Pfaff, Phillips, Poole, Potter, Salsman, Sawallisch, Stream, Tenney, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—39.

The question being on the adoption of House Resolution No. 28.

Resolution adopted.

MOTION TO PRINT EDITORIALS IN JOURNAL

Mr. Field moved that the following editorials be printed in the Journal:

Motion carried.

Sacramento Bee Editorial of December 18, 1941

Does State Need Standing Army to Cost Many Millions?

The California Legislature will meet in Sacramento in special session tomorrow to consider, among other subjects, an appropriation for the support of the State Home Guard.

The formation of such guard units was authorized by Congress in 1940 when the National Guard was called into the Federal service. The State Legislature followed suit with the necessary validating act so far as California is concerned.

Up to this time, however, the Guards have furnished their own uniforms and enlisted men are paid \$2 a day plus subsistence while on duty.

With the attack on Hawaii, Governor Olson issued a call for volunteers to bring the strength of the Guard up to 10,000 men. Plans now are afoot to increase this to 25,000 officers and enlisted men.

And it also is proposed to furnish all equipment, as well as to provide rates of pay, while on duty, which are considerably higher than those current in the Regular Armed Forces of the United States. Privates would receive approximately \$61 per month and first sergeants \$1,080 a year.

The estimates of the cost range from \$30,000,000 to \$50,000,000 annually. Probably the latter figure is closer to the actual cost.

And once the policy of State support of a Home Guard is established by the Legislature it will require \$30,000,000 or \$50,000,000 a year from the Treasury, a staggering expenditure should the war last four or five years, for maintenance.

Californians are ready without stint to do whatever is actually necessary for home defense.

But they want to be sure the necessity exists before being rushed hysterically into a program which would plant a heavy financial burden on their shoulders.

This thought is well expressed by Assemblyman Earl Desmond of Sacramento County, who, in commenting on the Governor's call for the special session, said:

There are many questions in my mind over proposals that the State maintain a Standing Army.

There is good reason to doubt that it can be done properly when all able bodied men are being drafted in the Army. It is not a question of willingness of the Legislature. I believe we will gladly spend all the money that is necessary for proper protection of the State—but it is a question of exactly what should be done and the right way to do it.

There are many other patriotic citizens who echo Desmond's sentiments.

In fact, the whole situation should be considered thoroughly and weighed carefully by the Legislature before jumping to conclusions.

Politics or past differences between Governor Olson and the Legislature should be forgotten in arriving at a decision.

Important questions for the Legislature to answer are these:

Should the State of California, at an expense of from \$30,000,000 to \$50,000,000 per year, establish her own army or should the matter of defending California, which has been declared to be within the West Coast Combat Area, be left to the Federal Government?

Is a Home Guard of State troops really needed, except as an emergency, in view of the concentration of Regular Army Forces in California? Of course, the Army undoubtedly would accept the aid of State Troops if their maintenance were paid for by the people of California, a super contribution, as it were, to defense.

How is the line to be drawn to define where the defense of California ceases to be a Federal and becomes a State responsibility? After all this is a National not a State war, even although California gladly will do her part, and more, too, toward conquering the enemy.

In this connection, it was Mayor F. H. LaGuardia of New York, Director of the Office of Civilian Defense, who said, while in California recently:

It is urged on the people that they view the situation calmly and not become panic stricken.

That is good advice to the Legislature, no matter how much it apparently has been ignored by some of those in authority on the Pacific Coast.

Sacramento Union Editorial of December 19, 1941

Section 4 of Article 4 of the U. S. Constitution reads: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature can not be convened) against domestic violence." We call this portion of the Constitution to the attention of the Legislators as they gather here today, meeting as they do in the midst of talk about forming a State Guard and expending some \$40,000,000 to see that California is adequately protected during World War II.

Any State Guard organized along Military lines will be immediately absorbed by the Federal Government. It is not the duty of the State to protect itself. It is the duty of the Federal Government to protect this State and all the other States. In time of war the Militia, or California section of the National Guard is made a part of the Regular Army by the Federal authorities. The same thing would happen to a State Guard. California might augment its State Highway Police System, or provide a civilian army, but when it goes Military the organization passes automatically into the hands of the Federal authorities to protect all the States.

The talk of formation of a State Guard sounds like an attempt to build up another political machine. The idea, as originally expounded, was to place officers and men in service at the same rate of pay as those in the Federal Army. That would be grossly unfair to the men who are fighting with their lives in the Military Service of the Nation. The regular officers and men are targets for any attack and must go wherever the President, their Commander-in-Chief, sends them. What right has California to set up a political army to remain securely at home and collect the same pay as a fighting army?

In all this hysteria of preparedness and defense, during a war emergency forced upon this Nation by Japan by her treacherous attack on Hawaii and Pearl Harbor, the politicians at the State Capitol have been running around in circles and been talking about doing big things for California's protection. That is all well and good, except that the job of protecting the State happens to rest with official Washington and not with the State Government. This would be a messed up Nation indeed if 48 separate armies were formed by 48 separate States to attempt to wage war independently of each other as protection for their own commonwealths.

California needs to be guarded against two things—air raids by the Axis powers and sabotage at its defense plants. The raids will come when least expected and will strike at vital Military objectives. Only by use of defense planes and anti-aircraft batteries can invading bombers be driven off. That is a job for the Army, Navy, Marines and the Coast Guard. Sabotage is a local problem, but even here the Military assumes control. If violence becomes widespread the State need only ask for additional Federal Troops to act as guards. Already private and public defense plants have stationed adequate guards at all vulnerable spots. The public utilities, the manufacturing concerns, the Government-operated plants, the airfields—every form of industry or business that might be damaged or attacked has taken the necessary steps for self-protection.

Blackouts and other local forms of precaution can be handled by city and county authorities. They don't need a superstructure of State personnel put in control over them. We aren't arguing against the State doing everything sound and practical to see that California is adequately prepared for defense against whatever attack may come—and we realize that many important branches of the State Government will have to be augmented during the crisis. But we argue everything should be done on a practical and not a political basis. The Legislature must remove the politics and eliminate the waste. All the State needs to do is follow out the same program that was developed in 1917 and 1918 and augment it to meet 1941 war conditions.

Sacramento Bee Editorial of December 20, 1941

Vote Taken Sum, Study the Home Guard Problem

The probability appears to be increasing that the special session of the Legislature will adjourn without voting the large sum recommended by Governor Culbert L. Olson for the full time maintenance of a Home Guard of 26,500 men in California.

The obvious fact is that many of the Legislators have not been convinced that the present situation demands the immediate appropriation of \$17,500,000 to support the Home Guard.

This does not mean that these Legislators are not 100 per cent for doing everything absolutely necessary to protect private property in California against enemy sabotage, etc., or to aid in any way to bring victory to American arms.

But it does mean that these Legislators prefer to wait until some of the hysteria generated by the surprise attack on Hawaii subsides and cool, calculating thinking is restored.

When the Legislators first began to arrive in Sacramento the leaders of both houses were informed that \$37,090,881 was the sum the Guard executives declared would be needed to maintain an organization of 26,500 men on a full time basis for one year.

However, in his message to the Legislature yesterday Governor Olson cut the budget prepared by his Military advisers from \$37,090,881 to \$17,500,000, a slash of \$19,590,881.

Certainly that action by the Governor didn't make for confidence.

Rather it gave rise to the query: Which figure is guess work and which is fact?

The contrasting sums strongly suggest that the situation is in such a fluid state that no one can say with any degree of certainty what will be the duties of the Home Guard or how many actually will be required on full time service.

So, all in all, it would appear to be the sensible thing for the Legislature to vote a stopgap appropriation to meet real emergency requirements and then to recess to give the Legislators time to think over the problem calmly, dispassionately and without resort to political considerations.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 6

Assembly Joint Resolution No. 6—An act relative to memorializing Congress to oppose federalization of State unemployment insurance and employment services.

Resolution read.

Demand for Previous Question

Messrs. Lyon, Call, Dilworth, Collins, Sam L., and Andreas demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Joint Resolution No. 6.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J., Call, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Green, Hastain, Heisinger, Howser, F. N., Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, O'Day, Pfaff, Phillips, Potter, Poulson, Robertson, Sawallisch, Stream, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—Cain, Carlson, Collins, George D., Crowley, Dills, Donnelly, Gaffney, Gallagher, Hawkins, Houser, Frederick F., Johnson, Kilpatrick, King, Lowrey, Mason, Meehan, Middough, Poole, Russell, Salsman, and Thomas—21.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 18: By Messrs. Middough, Pfaff, Tenney, Houser, Frederick F., Hastain, Doyle, Poole and Evans—Relative to the purpose and function of the State Guard.

Referred to Committee on Rules.

Assembly Joint Resolution No. 7: By Mr. Richie—Relative to the accomplishments of the armies of the U. S. S. R.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 5—Commending Fred E. Stewart, member of the State Board of Equalization, for his effective representation of the State of California with respect to certain sales, use and motor vehicle fuel tax matters;

Assembly Concurrent Resolution No. 6—Relative to the untimely death of Captain Colin P. Kelly, Jr.;

Assembly Concurrent Resolution No. 7—Relative to adjournment out of respect to the memory of the late Morris Bedford Harris;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 11.30 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 1—Relative to memorializing the Congress of the United States to enact pending legislation providing for civilian defense facilities;

Assembly Joint Resolution No. 2—Relative to sporting events held in the State of California;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 11.30 a.m.

JOHN B. KNIGHT, Chairman

RECESS

At 12.35 p.m., on motion of Mr. Lyon, the Assembly recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Assembly reconvened.

Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

MOTION TO EXCUSE COMMITTEE MEMBERS

Mr. Millington moved that the members of the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs be excused to hold a committee meeting.

Substitute Motion for Committee of the Whole

Mr. Dills moved that the Assembly resolve itself into a Committee of the Whole for the purpose of hearing bills now pending.

RECESS

At 2.55 p.m., on motion of Mr. Field, the Assembly recessed until 3.30 p.m.

REASSEMBLED

At 3.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 1—Relative to punishment for felonies;

Assembly Concurrent Resolution No. 3—Approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fourth day of November, 1941;

Assembly Concurrent Resolution No. 4—Relative to reemployment of members of the State Guard called into active service;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 11.30 a.m.

JOHN B. KNIGHT, Chairman

RESOLUTIONS

The following resolutions were offered:

By Messrs. Thomas, Dills and King:

House Resolution No. 29

Relative to adjournment out of respect to the memory of the Honorable Lee Geyer

WHEREAS, His fellow citizens of the State and Nation mourn the passing of the Honorable Lee Geyer, Member of the House of Representatives from the Seventeenth District, educator, and former Member of this Assembly; and

WHEREAS, The unceasing labors of our former Colleague in support of liberal legislation and legislation to strengthen the educational system of the State have won him a place of honor in the roll of those men and women who have built into California their own vision, strength, and nobility; now, therefore, be it

Resolved by the Assembly of the State of California, That when the Assembly adjourns this day it do so out of respect to the memory of the Honorable Lee Geyer, and that we do hereby extend to the members of his family our deep sympathy in a loss shared by all of the people of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the family of the late Lee Geyer.

Request for Unanimous Consent

Mr. Thomas asked for, and was granted, unanimous consent to take up House Resolution No. 29, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Messrs. Tenney and Middough:

House Resolution No. 30

Relating to the holding of county, district and citrus fairs in 1942

WHEREAS, The excitement and confusion incident to the first days following the entrance of the United States into the Second World War have given rise to a rumor that it may be necessary to cancel county, district and citrus fairs scheduled to be held during 1942; and

WHEREAS, The holding of these fairs is of great value in the furtherance and improvement of agriculture, by means of the dissemination of useful information concerning the production policies of the Nation and the demonstration of new techniques and tools; and the maintenance of agriculture in a flourishing state of ever-increasing productivity is no less essential to the successful prosecution of the war than to the prosperity of the Nation after victory is attained; and

WHEREAS, The holding of these fairs at their accustomed times and places will contribute to the morale of the civilian population by continuing an established institution which provides the people of the State with the opportunity for needed relaxation and diversion, as well as information and education; now, therefore, be it

Resolved by the Assembly of the State of California, That the board of directors of the agricultural districts and county fair boards and citrus associations and the State Department of Finance are hereby urged to proceed with plans for holding these fairs in 1942, and not to abandon their plans for these fairs, nor to cancel these fairs except upon the request or command of the Military authorities.

Request for Unanimous Consent

Mr. Tenney asked for, and was granted, unanimous consent to take up House Resolution No. 30, at this time, without reference to committee.

Resolution read and adopted.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, California, December 21, 1941

*Honorable Arthur A. Ohnismus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNISMUS: We have examined a measure entitled

"An act to add Section 57.8 to the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the State Guard or in other armed forces of the State of California, declaring the urgency thereof, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Earl D. Desmond.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 29: By Mr. Desmond—An act to add Section 57.8 to the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the State Guard or in other armed forces of the State of California, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Rules.

COMMUNICATIONS

The following communication was received and read, and on motion of Mr. Dilworth, ordered printed in the Journal:

December 20, 1941

*Honorable Franklin D. Roosevelt, President of the United States
The White House, Washington, D. C.*

Responding to your telegram of yesterday, you may be assured of my full cooperation in carrying out its request that the State Employment Service be transferred to the United States Employment Service, and that procedure for making this transfer with present personnel, records and facilities required for the operations of the United States Employment Service, is receiving the consideration of our State Employment Commission and its Executive Officer, whose report I have asked for immediately.

CULBERT L. OLSON
Governor of California

WASHINGTON, D. C., December 19, 1941

Hon. Culbert L. Olson, Governor, Sacramento, California

Now that this country is actually at war it is more than ever necessary that we utilize to the fullest possible extent all of the manpower and womanpower of this Country to increase our production of war materials. This can only be accomplished by centralizing recruiting work into one agency. At present, as you know, the United States Employment Service consists of 50 separate State and Territorial employment services whose operations are loosely coordinated by the Federal Government. In order that there may be complete responsiveness to the demands of National defense and speedy uniform effective action to meet rapidly changing needs, it is essential that all of these separated employment services become a uniformly and of necessity Nationally operated employment service. I have, therefore, given instructions to the proper Federal officials that the necessary steps be taken to accomplish this purpose at once. I ask that you likewise instruct the proper officials of your State to transfer to the United States Employment service all of the present personnel records, and facilities required for this operation. Inasmuch as the Federal Government is already paying practically 100 per cent of the cost of operation and the State personnel has been recruited on a merit basis, there will be no difficulty in transferring State employees into the Federal service. These employment offices will continue

to serve the unemployment compensation agency so that there will be no need to set up duplicate offices. I shall appreciate your advising me at once of your full cooperation so that the conversion of the present employment service into a truly National service may be accomplished without delay.

FRANKLIN D. ROOSEVELT

RESOLUTIONS

The following resolution was offered:

By Messrs. Gaffney and Collins, George D.:

House Resolution No. 31

Relative to the conservation of electrical power

WHEREAS, The existence of the present state of war between the United States and the governments of Germany, Italy and Japan necessitates the utmost degree of conservation of electric and other forms of power; and

WHEREAS, Great and immediate assistance in the attainment of this objective can be realized by the voluntary cooperation of the employers of this State in commencing work one hour earlier than is usual and customary; now, therefore, be it

Resolved by the Assembly of the State of California. That this Assembly requests the State Council of Defense to consider the question of manufacturing and mercantile establishments and all other places of employment commencing and finishing work one hour earlier than at present and urging such establishments and employers to cooperate in such plan; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to the State Council of Defense.

Resolution read, and referred to Committee on Rules.

COMMUNICATIONS

The following communication was received, and on motion of Mr. Desmond, ordered printed in the Journal:

Telegram to President Roosevelt Referred to by Assemblyman Desmond During Discussion of Assembly Joint Resolution No. 6

"As Governors of the six New England States we respectfully and earnestly plead with you to withhold your approval from current proposals for federalizing unemployment compensation and employment services. Our States have handled this job well. We have materially liberalized our laws. We have done our utmost to cooperate in executing the policies of the Social Security Board in Washington. We have accumulated substantial trust funds to provide security for our workers in any periods of unemployment that may occur. Conditions of living and employment in our States may vary from those in other sections of the Country. It seems unfair to our workers and employers to pool trust funds for distribution elsewhere when the funds may be needed badly here. Administration of this service is essentially a field for local government, best carried on locally with advice and assistance from Washington, rather than directed in detail from Washington for the Country as a whole. In this critical period there is need to stimulate, rather than discourage local initiative and individual effort. There is need for a greater call upon the States and their facilities rather than less. In our considered opinion the proposal is bad in principle and doubly inadvisable now, when far more pressing defense efforts require our fullest attention.

"The system of unemployment compensation is still experimental. It can and must be further developed. But can not the experiments be best worked out in the laboratories of the individual States? Mistakes there can be corrected more easily and safely than in a centralized department where the entire Nation will be involved. We believe that any changes in the Unemployment Compensation System along the lines of federalization should receive most careful study and that the views of the several States should be given great weight."

SUMNER SEWELL, Governor of Maine
ROBERT O. BLOOD, Governor of New
Hampshire
WILLIAM H. WILLIS, Governor of
Vermont

J. HOWARD McGRATH, Governor of
Rhode Island
ROBERT A. HURLEY, Governor of
Connecticut
LEVERITT SALTONSTALL, Governor
of Massachusetts

REPORTS OF STANDING COMMITTEES

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy and Military Affairs, to which were referred:

Assembly Bill No. 8

Assembly Bill No. 18

Assembly Bill No. 26

Senate Concurrent Resolution No. 2

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Pfaff asked for, and was granted, unanimous consent to take up Assembly Bill No. 8, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 8

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Pfaff:

Resolved, That Assembly Bill No. 8 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Pfaff moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 1 and 2 of the title of the printed bill, strike out "553.5 and 553.6", and insert "and 553.5".

Amendment No. 2

On page 2 of the printed bill, strike out lines 27 to 38, inclusive, and insert "SEC. 7. This act is hereby declared to be an urgency".

Amendments read and adopted.

Bill ordered reprinted and engrossed.

REQUEST FOR UNANIMOUS CONSENT

Mr. Pfaff asked for, and was granted, unanimous consent to take up Assembly Bill No. 18, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 18

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Pfaff:

Resolved, That Assembly Bill No. 18 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Welch, Wollenberg, and Mr. Speaker—61.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 18

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Welch, Wollenberg, and Mr. Speaker—61.

NOES—None.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Pfaff moved a call of the Assembly.

Motion carried. Time, 5.30 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Concurrent Resolution No. 13**—Relative to the revocation of certain paroles;

Assembly Joint Resolution No. 3—Relative to the full utilization of the Nation's skills and resources in the National Defense Program and the building of National unity, irrespective of race or color;

Assembly Joint Resolution No. 4—Relating to priorities for the manufacture of farm machinery;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 5 p.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Concurrent Resolution No. 9**—Relative to distribution of legislative publications by the State Printer;

Assembly Concurrent Resolution No. 10—Relating to the early closing of retail establishments during war;

Assembly Concurrent Resolution No. 11—Relative to the holding of the State Fair in 1942;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of December, 1941, at 5 p.m.

JOHN B. KNIGHT, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 18

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 18

Assembly Concurrent Resolution No. 18—Relative to the purpose and function of the State Guard.

Resolution read.

Demand for Previous Question

Messrs. Tenney, Howser, F. N. Turner, Lyon and Call demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 18.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Crowley, Daley, Dickey, Dills, Dilworth, Doyle, Evans, Field, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Watson, Welch, Weybret, and Mr. Speaker—50.

NOES—Burkhalter, Cain, Collins, George D., Cronin, Donnelly, Gaffney, Gallagher, Heisinger, Kilpatrick, King, Lowrey, Richie, and Wollenberg—13.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Joint Resolution No. 8: By Messrs. Garland, Doyle, Meehan, Green, Sawallisch, Burns, Hugh M., Tenney, Turner, Desmond, Richie and Maloney. Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules.

Referred to Committee on Rules.

COMMUNICATIONS

A communication from Rosalie Gouely of Los Angeles, relative to continuance of SRA, was received, and ordered filed with the Secretary of State.

A communication from John Green, Sacramento, relative to financing circulars, was received, and ordered filed with the Secretary of State.

Hon. Rodney L. Turner Presiding

At 5.17 p.m., Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

REQUEST FOR UNANIMOUS CONSENT

Mr. Sawallisch asked for, and was granted, unanimous consent to take up Assembly Bill No. 26, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 26

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Sawallisch:

Resolved, That Assembly Bill No. 26 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Evans, Green, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, King, Knight, John B., Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch,

Sheridan, Stream, Tenney, Thomas, Thorp, Waters, Welch, Weybret, and Wollenberg—55.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellens, Kilpatrick, King, Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, and Wollenberg—55.

NOES—None.

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellens, Kilpatrick, King, Knight, John B., Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, and Wollenberg—62.

NOES—None.

Bill ordered transmitted to the Senate.

Speaker Presiding

At 5.55 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY BILL NO. 18

At 6 p.m., on motion of Mr. Pfaff, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called.

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 9

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 13

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 7

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, and providing that this act shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 2—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 5—An act to amend Section 555 of, and to add Sections 555.5 and 555.6 to, the Military and Veterans Code, relating to pay and allowances to members of the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 6—An act to amend Sections 340 and 395 of the Military and Veterans Code, relating to members of the State Guard, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 7—An act to add Section 194 to the Military and Veterans Code, relating to fiscal procedures of The Adjutant General, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of home guard units, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 13—An act augmenting the Emergency Fund to provide money for the support of the Division of Forestry, for fire prevention and suppression, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Joint Resolution No. 7—Relative to memorializing Congress to consider the desirability of growing guayule rubber in the United States, and to enact legislation to encourage and assist in a program of domestic production of guayule rubber.

Referred to Committee on Rules.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

Senate Concurrent Resolution No. 2—Relative to the use of the State Relief Administration properties by The Adjutant General.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D. Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Mid-dough, Miller, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—None.

Bill ordered transmitted to the Senate.

CONSIDERATION OF ASSEMBLY BILL NO. 13

Assembly Bill No. 13—An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Miss Miller moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 1, 2 and 3 of the title of the printed bill, strike out "to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code", and insert "to amend Section 3.93 of the School Code".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 23, inclusive; and on page 2, strike out lines 1 to 19, inclusive; and in line 20, strike out "Sec. 4", and insert "Section 1".

Amendment No. 3

On page 2 of the printed bill, strike out lines 33 to 52, inclusive; on page 3, strike out lines 1 to 52, inclusive; on page 4, strike out lines 1 to 30, inclusive; and in line 31, strike out "Sec. 12", and insert "Sec. 2".

Amendments read and adopted.

Bill ordered reprinted and engrossed.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read second time.

Motion to Amend

Mrs. Daley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 11, of the printed bill, after "city and county," insert "or".

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "or other".

Amendment No. 3

On page 1, line 12, of the printed bill, strike out "public agency".

Amendments read and adopted.

Bill ordered reprinted.

**MOTION TO EXPUNGE RECORD AND RESCIND ACTION
ON ASSEMBLY BILL NO. 18**

Mr. Pfaff moved to expunge the record, and rescind the action whereby Assembly Bill No. 18 was this day refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Field, Green, Hastain, Hawkins, Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—None.

RESOLUTIONS

The following resolution was offered:

By Messrs. Garland and Lyon:

House Resolution No. 32

WHEREAS, Robert J. Finnie has been accepted as a Cadet in the United States Navy Air Corps, and is now stationed at the Oakland Airport while training to become an officer in the United States Navy Air Corps; and

WHEREAS, Robert J. Finnie has faithfully and diligently served the Legislature of the State of California at the Regular Session of 1939, during the Extraordinary Sessions of 1940, and the Regular Session of 1941, as an Assistant Clerk; now, therefore, be it

Resolved by the Assembly of the State of California, That this House and each Member thereof with great pleasure and from personal knowledge recommend Robert J. Finnie as a loyal and patriotic young citizen of high moral character and integrity; and be it further

Resolved, That this House and each of its Members feel certain that Robert J. Finnie will serve his Country and the Navy Air Corps in the present emergency, loyally, diligently, and courageously; and be it further

Resolved, That the Chief Clerk is directed to send a properly prepared copy of this resolution to the Commanding Officer, United States Navy Air Corps, Oakland Airport.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 32, at this time, without reference to committee.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 9.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

REPORTS OF STANDING COMMITTEES

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which was referred:

Senate Bill No. 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

FIELD, Vice Chairman

CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs:

Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "five million dollars (\$5,000,000)", and insert "one million dollars (\$1,000,000)".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 16 to 19, inclusive; and on page 2, strike out lines 13 to 16, inclusive, and insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The United States is at war and it is necessary to have this money immediately available for all expenditures arising out of the National Defense effort and other usual Emergency Fund expenses."

Amendments read.

Demand for Division of the Question

Mr. Dills demanded a division of the question.

Demand for division of the question granted.

Consideration of Amendment No. 1**Amendment No. 1**

On page 1, line 2, of the printed bill, as amended, strike out "five million dollars (\$5,000,000)", and insert "one million dollars (\$1,000,000)".

Amendment read.

Demand for Previous Question

Messrs. Turner, Desmond, Waters, Burkhalter and Watson demanded the previous question.

The roll was called, and the demand for the previous question sustained by the following vote:

AYES—Burns, Hugh M., Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, McCollister, Miller, Pfaff, Phillips, Poole, Potter, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—34.

NOES—Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Cronin, Crowley, Dills, Donnelly, Doyle, Evans, Gaffney, Gallagher, Hawkins, Kilpatrick, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Richie, Robertson, Russell, Tenney, Thomas, Waters, and Welch—29.

The question being on the adoption of Amendment No. 1 to Senate Bill No. 1.

The roll was called, and the amendment adopted by the following vote:

AYES—Burns, Hugh M., Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, McCollister, Miller, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—35.

NOES—Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Cronin, Crowley, Dills, Donnelly, Doyle, Evans, Gaffney, Gallagher, Hawkins, Kilpatrick, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Richie, Robertson, Tenney, Thomas, and Waters—27.

Explanation of Vote on Amendment No. 1 to Senate Bill No. 1

Our President and War Department have requested our cooperation in protecting lives and property in our State. This amendment turns down that help and ignores the safety of our civilian population and our Soldiers who fight at the front. It is "economy" but false, inhuman, and un-American.

AUGUSTUS F. HAWKINS

Consideration of Amendment No. 2**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 16 to 19, inclusive; and on page 2, strike out lines 13 to 16, inclusive, and insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The United States is at war and it is necessary to have this money immediately available for all expenditures arising out of the National Defense effort and other usual emergency fund expenses."

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond,

Dickey, Dills, Dilworth, Donnelly, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Motion to Amend

Mr. Bashore moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "five million dollars (\$5,000,000)", and insert "four million dollars (\$4,000,000)".

Point of Order

Mr. Lyon arose to the following point of order: That amendments to Senate Bill No. 1 having been adopted, the bill must be reprinted before consideration of further amendments.

The Speaker ruled the point of order well taken.

Senate Bill No. 1 ordered reprinted.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON HOUSE RESOLUTION NO. 32

At 11:50 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and House Resolution No. 32 adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None.

NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 2 FROM COMMITTEE

Messrs. Bashore and Collins, George D., gave notice that on the second legislative day they would move to withdraw Senate Bill No. 2 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 4

And reports the same correctly re-re-engrossed.

JOHN B. KNIGHT, Chairman

CONSIDERATION OF ASSEMBLY BILL NO. 4

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. McCollister:

Resolved, That Assembly Bill No. 4 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section

requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—Evans—1.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 4—An act to amend Section 555 of, and to add Sections 555.2, 555.4 and 555.6 to, the Military and Veterans Code, relating to the privileges, rights and discipline of the State Guard, declaring the urgency of this act and that it shall go into immediate effect.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—Evans—1.

The roll was called, and the bill passed by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—Evans—1.

Bill ordered transmitted to the Senate.

ADJOURNMENT

At 11.59 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 11 a.m., Monday, December 22, 1941, out of respect to the memory of the late Hon. Lee Geyer, former Assemblyman and Member of the House of Representatives from the Seventeenth District.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FOURTH LEGISLATIVE DAY
FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, December 22, 1941

The Assembly met at 11 a.m.

Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—72.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Clarke.

COMMUNICATIONS

A communication from W. E. Broome, of Artesia, California, relative to State Old Age Pension Plan, was received, and ordered filed with the Secretary of State.

A communication from Fred E. Stewart, of the State Board of Equalization, relative to progress made in the application of sales, use, and gasoline taxes with respect to cost-plus-a-fixed-fee contractors, was received, and ordered filed with the Secretary of State.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 8

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 21, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 13

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received and read:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, December 21, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly**Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to counties, cities and counties, and cities for the furnishing of benefits to volunteer civilian defense workers, or in case of death, to their dependents, such benefits including the furnishing of medical, surgical and hospital treatment and the paying of disability benefits, burial expense and death benefits, providing for the appropriation to be disbursed by the State Compensation Insurance Fund as the adjusting agent of the counties, cities and counties, and cities, providing for a procedure to determine the rights of all claimants to such benefits and authorizing the Industrial Accident Commission to decide disputed claims or matters, declaring the urgency hereof, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel

By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Wm. H. Poole.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 31: By Mr. Poole—An act making an appropriation to counties, cities and counties, and cities for the furnishing of benefits to volunteer civilian defense workers, or in case of death, to their dependents, such benefits including the furnishing of medical, surgical and hospital treatment and the paying of disability benefits, burial expense and death benefits, providing for the appropriation to be disbursed by the State Compensation Insurance Fund as the adjusting agent of the counties, cities and counties, and cities, providing for a procedure to determine the rights of all claimants to such benefits and authorizing the Industrial Accident Commission to decide disputed claims or matters, declaring the urgency hereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Concurrent Resolution No. 19: By Mr. Lyon—Relative to augmentation of the membership and functions of the Joint Legisla-

tive Budget Committee, and making additional funds available for the work of the committee.

Referred to Committee on Rules.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 6

Senate Joint Resolution No. 6—Relative to flood control on the Sacramento River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Hastain, Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, and Weybret—50.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lowrey:

House Resolution No. 33

Relative to adjournment out of respect to the memory of the late
John Lindsey Mendenhall

WHEREAS, On June 24, 1941, there was laid to rest the Honorable John Lindsey Mendenhall, former Member of this Assembly, and former Mayor of the City of Williams; and

WHEREAS, The hearts of the Members of this Assembly are saddened at the knowledge that they shall look no more upon the face of this loved former Colleague, and no longer profit by his experience and counsels; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby express our sorrow upon the occasion of the demise of our former Colleague; and that when the Assembly adjourns this day, it do so out of respect to the memory of the late John Lindsey Mendenhall.

Request for Unanimous Consent

Mr. Lowrey asked for, and was granted, unanimous consent to take up House Resolution No. 33, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. Lowrey:

House Resolution No. 34

Relative to adjournment out of respect to the memory of the
Honorable William A. Vann

WHEREAS, That final summons which comes to all men came on November 22, 1941, to the Honorable William A. Vann, Member of this Assembly in 1893 and 1894; and

WHEREAS, William A. Vann, born March 25, 1864, in Potter Valley, Mendocino County, was for many years a leader in the political life of Northern California, serving, in addition to his membership in the Assembly, as a Delegate to the Democratic National Convention in St. Louis, Missouri, in 1896, as Colusa County Supervisor from 1904 to 1908, as Chairman of the Colusa County Democratic Central Committee in 1908, and as Chairman of the Colusa County Draft Board in 1917-1918, and participating enthusiastically throughout his life in Grange and Farm Bureau activities; now, therefore, be it

Resolved by the Assembly of the State of California, That when the Assembly adjourns this day it do so out of respect to the memory of our venerable former Colleague William A. Vann; and that we do hereby extend our sincere condolences to his bereaved family; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the sons and daughter of our departed friend, Asa Vann and Max S. Vann of Williams, Hubert Vann and Postmaster Gilbert G. Vann of Arbuckle, and Mrs. Willie May Allen of Live Oak; and to his sisters, Mrs. Robert Yarbrough and Mrs. Bessie Christopher of Maxwell, Mrs. Ida Young of Sierra Madre, and Mrs. Sadie Pratt of Yountville.

Request for Unanimous Consent

Mr. Lowrey asked for, and was granted, unanimous consent to take up House Resolution No. 34, at this time, without reference to committee.

Resolution read and adopted unanimously.

CONSIDERATION OF ASSEMBLY BILL NO. 13

Assembly Bill No. 13—An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Miss Miller moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "all", and insert "and to add Section 3.95 to said code, both".

Amendment No. 2

On page 2, line 32, of the printed bill, as amended, strike out "and Sunday".

Amendment No. 3

On page 2 of the printed bill, as amended, following line 34, insert

"SEC. 2. Section 3.95 is hereby added to the School Code, to read as follows:

3.95. The governing board of any junior college district may, where an emergency created by war requires, provide for the maintenance of special day and evening classes on Sunday."

Amendment No. 4

On page 4, line 32, of the printed bill, as amended, strike out "SEC. 2.", and insert "SEC. 3."

Amendments read and adopted.

Bill ordered reprinted and re-engrossed.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J. Cain, Carlson, Clarke, Collins, George D. Collins, Sam L. Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F. Howser, F. N. Kellem, Kepple, Kilpatrick, King, Knight, John B. Knight, T. Fenton, Leonard, Lowrey, Maloney, Massion, Meehan, Midgough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie

Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, and Welch—58.

NOES—None.

CONSIDERATION OF ASSEMBLY BILL NO. 8

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4, 553.5 and 553.6 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Cronin, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, and Wollenberg—58.

NOES—Richie—1.

The roll was called, and the bill passed by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Cronin, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, and Wollenberg—58.

NOES—Richie—1.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Joint Resolution No. 9: By Messrs. Burkhalter, Tenney, Thomas, Kilpatrick, King, Dills and Middough—Relative to requesting the President and Congress to fix the prices of food stuffs at the level of December 7, 1941.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 19

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, Maloney, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Russell, Salsman, Sawalisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—53.

NOES—Collins, George D., Dills, Kilpatrick, King, Lowrey, Massion, Meehan, and Richie—8.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Johnson and Leonard:

House Resolution No. 35

Relative to the death of Louis J. Gilbert

WHEREAS, The Members of the Assembly were saddened by the news of the sudden death of Louis J. Gilbert on December 14, 1941; and

WHEREAS, for nearly 30 years, Louis J. Gilbert had left his home in Berkeley and come to Sacramento whenever the Legislature was in session, giving freely of his sagacious counsel and advice to the various Members of the Legislature; and

WHEREAS, The termination of the life of Louis J. Gilbert is an irreparable loss not only to his family and his friends, but also to all of the Members of this Body; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby express our deep sense of loss in the passing of Louis J. Gilbert while in the prime of life, and we hereby extend to his bereaved widow our very sincere sympathy and condolences; and be it further

Resolved, That when this Assembly adjourns this day it does so out of respect to the memory of the late Louis J. Gilbert; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit an engrossed copy of this resolution to Mrs. Louis J. Gilbert.

Request for Unanimous Consent

Mr. Johnson asked for, and was granted, unanimous consent to take up House Resolution No. 35, at this time, without reference to committee.

Resolution read and adopted.

By Messrs. Desmond and Garland:

House Resolution No. 36

Relating to the demise of Frank Bottaro, Senior

WHEREAS, The Members of the Assembly have learned with regret of the sudden passing of that grand old man Frank Bottaro, Senior, father of John J. ("Babe") Bottaro, Fred Bottaro, Mrs. Teresa De Costa and Mrs. Julia Gabrielli, and grandfather of Deputy District Attorney Frank Bottaro, Jr., Mrs. Evelyn Oliver and Madyln Stetson; and

WHEREAS, Frank Bottaro, Senior, brought to Sacramento and the State of California the noble traditions of his native land, having been one of the founders of the Dante Club of Sacramento, and for 70 years lived here a life of usefulness which continued until his ninety-first year; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby extend to the family of the departed our very sincere sympathy and condolences; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the members of the family of the late Frank Bottaro, Senior.

Request for Unanimous Consent

Mr. Desmond asked for, and was granted, unanimous consent to take up House Resolution No. 36, at this time, without reference to committee.

Resolution read and adopted.

Speaker Presiding

At 12.14 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Mr. Frederick F. Houser moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "Years.", insert "Of the sum appropriated by this act, not less than five hundred thousand dollars (\$500,000), if and when expended, shall be expended only for the support, maintenance, operation, and equipment of the State Guard, the legislative intent being that provision should be made for the State Guard from this appropriation."

Amendment read and adopted.

Bill read, as amended.

Motion to Amend

Mr. Bashore moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "one million dollars (\$1,000,000)" and insert "four million dollars (\$4,000,000)".

Amendment read.

Motion to Grant Additional Time for Argument

Mr. Welch moved that Mr. Bashore be granted an additional five minutes for his opening argument on the proposed amendment to Senate Bill No. 1.

Mr. George D. Collins seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Cronin, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hastain, Hawkins, Kellems, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Watson, Weber, Welch, and Wollenberg—49.

NOES—Call, Field, Houser, Frederick F., Johnson, Knight, John B., and Weybret—6.

Demand for Previous Question

Messrs. Johnson, Waters, Knight, John B., Watson and Burkhalter demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 1.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Cronin, Dills, Donnelly, Doyle, Evans, Gaffney, Gallagher, Green, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Richie, Robertson, Russell, Tenney, Thomas, Waters, and Welch—30.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—37.

Senate Bill No. 1 ordered reprinted.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to the fitness of California highways for Military purposes;

Assembly Joint Resolution No. 6—Relative to memorializing Congress to oppose federalization of State unemployment insurance and employment services;

Assembly Concurrent Resolution No. 17—Relative to adjournment out of respect to the memory of the late Myrtle Venelia Murray;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of December, 1941, at 12.30 p.m.

JOHN B. KNIGHT, Chairman

MOTION TO EXPUNGE RECORD AND RESCIND ACTION ON SENATE BILL NO. 3

Mr. Desmond moved to expunge the record, and rescind the action whereby Senate Bill No. 3 was passed.

The roll was called, and the motion carried by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Green, Hastain, Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—None.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received and read:

SACRAMENTO, CALIFORNIA, December 22, 1941

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled
"An act relating to the reimbursement of cities, counties, cities and counties,
and fire districts for purchases of defense equipment and making an appropriation
therefor, to take effect immediately,"
and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Mr. Nelson S. Dilworth.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 32: By Mr. Dilworth—An act relating to the reimbursement of cities, counties, cities and counties, and fire districts for purchases of defense equipment and making an appropriation therefor, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

COMMUNICATIONS

The following communication was received, and ordered printed in the Journal:

OAKLAND, CALIFORNIA, December 19, 1941

*Honorable Lloyd W. Lowrey, Member of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR ASSEMBLYMAN LOWREY: I have been instructed by the Peace Officers' Association of the State of California, the District Attorneys' Association of California, and the Sheriffs' Association of California to transmit to you for consideration the inclosed resolution concerning the National emergency.

Very truly yours,

JAMES T. DREW, Secretary
Peace Officers' Association of the State of California

Resolution

WHEREAS, The existence of a state of war between the United States Government and the Axis Powers has created an emergency in the State of California and made it necessary to have comprehensive plans for Civilian Defense of our entire State; and

WHEREAS, Said plans call for mutual aid and assistance on the part of the police, fire, and health services throughout the State; and

WHEREAS, These plans call for the use of an abnormal amount of police and fire equipment as compared with the ordinary requirements of the communities of the State; and

WHEREAS, Most of the counties and cities of the State are unable, because of budgetary requirements and statutes pertaining to the spending of public moneys, to purchase such equipment; now, therefore, be it

Resolved by the unanimous vote of the Executive Committees of the Peace Officers' Association of the State of California, the District Attorneys' Association of California, and the Sheriffs' Association of California, That the Governor and the Legislature of California be and they are hereby urged to adopt such legislation as will immediately provide the necessary means to adequately equip them and their auxiliaries for the important task of protecting our State and its political subdivisions from the dangers of fire, disorder and physical suffering which might otherwise result from widespread sabotage or bombing attacks; and be it further

Resolved, That a copy of this resolution be forwarded to the Governor, to the Lieutenant Governor, the President pro tempore of the Senate, the Speaker of the

Assembly, the Speaker pro tempore of the Assembly and to each individual Member of the Legislature.

Adopted this seventeenth day of December, 1941.

Very truly yours,

JAMES T. DREW, Secretary

RECESS

At 12.45 p.m., on motion of Mr. Lyon, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Call of the Assembly

Mr. Doyle moved a call of the Assembly.

Motion carried. Time, 2.15 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH

At 3.15 p.m., on motion of Mr. Thomas, further proceedings under the call of the Assembly were dispensed with.

The roll was called, and the following answered to their names:

Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Green, Hastain, Hawkins, Howser, F. N., Kellems, Kilpatrick, Knight, T. Fenton; Leonard, Maloney, Massion, McCollister, Meehan, Middough, Miller, Pelletier, Phillips, Poole, Potter, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Weber, Weybret, Wollenberg, and Mr. Speaker—48.

Quorum present.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 14

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

FURTHER CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Desmond moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 2

On page 1, line 4, of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendment No. 3

On page 1, line 18, of the printed bill, as amended, strike out "district or other public agency", and insert "or district".

Amendment No. 4

On page 2, line 1, of the printed bill, as amended, strike out "district, or other public agency," and insert "or district".

Amendments read and adopted.

Bill ordered reprinted.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 14

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Motion to Amend

Mr. Desmond moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed measure, strike out "in the lower brackets".

Amendment No. 2

On page 1, line 18, of the printed measure, strike out the comma, and strike out all of line 19, and insert "; and".

Amendment No. 3

On page 2, lines 14 and 15, of the printed measure, strike out "receiving two hundred dollars (\$200) or less per month".

Amendments read and adopted.

Resolution ordered reprinted and engrossed.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 4

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States to refrain from action calculated to exempt from State and local taxes the sale, purchase, storage, use or consumption of tangible personal property acquired by contractors in the performance of certain contracts with the United States.

Resolution read third time.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Wolenberg, and Mr. Speaker—58.

NOES—None.

Resolution ordered transmitted to the Senate.

FURTHER CONSIDERATION OF SENATE BILL NO. 1**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Mr. Michael J. Burns:

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J. Cain, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Bill ordered transmitted to the Senate.

Explanations of Vote

I was called to one of the State departments during the vote upon Senate Bill No. 1. Had I been present, I would have cast an "aye" vote, although I was not satisfied with the amount of the appropriation which, I believe, should have been greater.

ROBERT MILLER GREEN

The above bill is the result of cheap politics on the part of the so-called "economy block" and entirely ignores the public welfare and the common defense. However, we voted for it, because nothing better can be obtained in the face of the wilful individuals who control the Assembly.

**M. G. DEL MUTOLO
L. W. LOWREY**

I voted "yes" because not to concur would leave the California State Guard without even current funds for food requirements.

Owing to immediate perils of a state of total war facing California as a first zone of combat defense I was in favor of Governor Olson's requests for \$26,750,000.
(Signed)

EDWARD M. GAFFNEY

It is evident that the \$1,000,000 appropriation provided for in this bill may sustain the status quo of the State Guard but will not be sufficient to provide for a planned program and will, therefore, delay the Defense Program. I have voted for this appropriation only because there is no opportunity to vote for an adequate appropriation.

**VERNON KILPATRICK
EVERETT G. BURKHALTER**

Although voting "yes" on Senate Bill No. 1, it is our further opinion that the Legislature should immediately, before recess, establish a clear and definite Program of State Defense and that sufficient funds be appropriated for that purpose without further delay because of the present existing dangers which face the people of our State and Nation.

**VINCENT THOMAS
HENRY MEEHAN**

REQUEST FOR UNANIMOUS CONSENT

Mr. Maloney asked for, and was granted, unanimous consent to have the following explanation of vote printed in the Journal:

Statement by Thomas A. Maloney, Assemblyman, Twentieth District, San Francisco

I came to Sacramento to the Extraordinary Session of this Legislature, with the desire to vote sufficient funds for maintenance of the State Guard created by the Statute of the 1940 Session of the California State Legislature, to vote sufficient funds for the Governor's Emergency Fund, and also to vote for appropriations so that municipalities in California that are in dire need of funds for equipment and supplies, be provided with portion of said appropriation, when distributed during this war emergency.

The majority of the Members of the Assembly have thought different than I on the question of appropriations, thereby appropriating in my opinion too small a sum to take care of the present emergency that now exists.

I vigorously protest their action and feel they are making a grave mistake in not appropriating the amount of moneys provided in the bills which were passed by the Senate of the State of California.

A grave and serious emergency in my opinion does exist at this very moment. American ships have been sunk, and fired upon by enemy submarines 200 miles outside of the Golden Gate, and 22 of our seamen have lost their lives, according to press reports.

If the enemy is that close to our front door, State Guards regardless of number, and regardless of cost, for the safety of our people should be immediately placed on active duty protecting our reservoirs, bridges, water districts, harbors, utilities, etc.

I do not think the appropriation sufficient to take care of the above mentioned wants, but pray to God that the majority of the Members were right and I was wrong.

THOMAS A. MALONEY

REQUEST FOR UNANIMOUS CONSENT

Mr. Hawkins asked for, and was granted, unanimous consent to have the following memorandum from the Legislative Counsel Bureau ordered printed in the Journal:

Memorandum

IN RE: Senate Bill No. 1, as an Immediate Effect Bill

This bill augments the appropriation for "Emergency Fund" contained in the Budget Act of 1941.

As amended, it requires the unanimous consent of the Attorney General, the Controller and the Governor to transfer from said fund moneys appropriated by this bill.

QUESTIONS

(1) Could this bill be made to take effect immediately if enacted as an "urgency measure" for the immediate protection of the public peace, health and safety?

(2) Could it be made to take effect immediately if enacted as an act which "makes an appropriation for the usual current expenses of the State"?

(3) If, in the latter case, the bill does take effect immediately, will the moneys which this bill appropriates be available for the same variety of purposes as might be the case if it were to take effect immediately as an "urgency measure"?

OPINION

(1) In our opinion it could not take effect immediately as an urgency measure, because it involves a substantial change in the duties of the Attorney General.

This may not apply to the Controller and the Governor for they already have duties of a quite comparable nature.

The rule is that if a bill makes a substantial change in duties it can not be an urgency measure; otherwise, it can. There is no definite, exact yardstick by which to measure the degree of substantiality.

(2) The second question presents an issue that appears not as yet to have gone to our Supreme Court for consideration and decision, but we believe the court would hold this bill an act which provides "an appropriation for the usual current expenses of the State" and as such could take effect immediately.

We base this opinion mainly upon the fact that from 1913 through 1921 each "general appropriation bill" contained an Emergency Fund item, and from 1923 to date each Budget Act has contained such an item, and that each such bill was given immediate effect as an act "providing an appropriation for the usual, current expenses of the State,"—all without any question being raised, so far as we are aware.

It may be added that the so-called "Emergency Fund" is in the nature of an unbudgeted reserve, or a reserve for contingencies, and that a provision for it or an augmentation of it is not inconsistent with the concept "usual and current expenses of the State." If an increased number of fires increases the amount of money needed by the Division of Forestry to suppress the same, the added expense would not seem to be any less "usual and current" than the fire-fighting expenses previously estimated and budgeted.

The scope of the purposes for which the moneys appropriated by such a bill, is discussed in paragraph (3), below.

(3) As to the third question, these are the factors:

An appropriation contained in an "urgency measure" that does take effect immediately, is in the same position as an ordinary bill after the 90-day period has elapsed, hence neither expressly nor by implication is it limited to "usual and current expense" purposes, whatever the scope of that term may be.

Any bill (even the Budget Bill) which is made to take effect as a current and usual expense appropriation bill is faced with the possibility of such a limitation being read into it, and the case law does not as yet furnish a complete definition of the scope of that term.

While we believe that the money appropriated by the bill in its present form would be available for the same variety of purposes as the moneys now in that fund, and that such are not limited to "usual and current" expenditure, we can not give absolute assurance of that fact, an element of doubt not present in an "urgency measure" appropriation bill so framed that it can and does take effect immediately.

ARTHUR McHENRY
Deputy Legislative Counsel

Approved: FRED B. WOOD, Legislative Counsel

Hon. Albert C. Wollenberg Presiding

At 3.35 p.m., Hon. Albert C. Wollenberg, Member of the Assembly from the Twenty-seventh Assembly District, presiding.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 8

Assembly Joint Resolution No. 8—Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—59.

NOES—None.

Resolution ordered transmitted to the Senate.

Explanation of Vote

As I have stated on the floor of the Assembly, this is a buck-passing move to place the responsibility on the Federal Government. Had we been sincere we would have passed my \$45 amendment to the Old Age Security Act when it was offered.

VERNON KILPATRICK

RESOLUTIONS

The following resolution was offered:

By Messrs. O'Day, Collins, George D., Gaffney and Welch:

House Resolution No. 37

Relative to asking the Emperor of Japan to defer action for a few weeks

WHEREAS, It is essential that the Legislature calmly and deliberately consider what action should be taken by the State of California in its part in the present war, and what steps be taken to guard the lives and property of citizens of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, That we hereby request the Emperor of Japan not to take any action or to do anything drastic until after January 12, 1942, within which time the Legislature may make up its collective mind; and be it further

Resolved, That we hereby further request the Emperor of Japan not to attempt to emulate in California the action of Germany in going through Holland and Belgium until at least after January 12, 1942.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF ASSEMBLY BILL NO. 13

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Miss Miller:

Resolved, That Assembly Bill No. 13 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McColister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Poulson, Richie, Robertson, Russell, Sawallisch,

Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 13—An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Muto, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Poulson, Richie, Robertson, Russell, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

MESSAGE FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, December 22, 1941

Members of the Senate and Assembly

GREETINGS: Please permit me to emphasize the importance of your remaining in session now and without any recess until you shall have adequately provided, and as speedily as possible, for the maintenance of the State Guard and moneys to the State Emergency Fund, for the consideration of which this session, in our present, unprecedented state of emergency, was called. As stated in my message to you at the opening of this session, I did not dare delay calling it for your action on the items providing for the maintenance of the State Guard and for the Emergency Fund in view of the perilous situation of this State, requiring immediate protection of its resources, plants and places vital to the safety and welfare of the civilian population, as well as to the strategic needs of Federal forces. Failure to take prompt action in providing ample funds for these emergency purposes might result in tremendous loss and disaster, against the possibility of which immediate measures should be taken, requiring equipment purchases and other preparations, which take time to accomplish. It would delay and hamper putting into effect the plans of the State Council of Defense and of other State agencies in preparation to guard against perils which now threaten life and property in California, and in providing to meet serious exigencies that may occur any day or night, if you make only an inadequate appropriation at this time and then recess your session to a future date. Since the enemy has already brought the war to the California coast, I desire to make it clear that any serious consequences of delayed action on your part will be your responsibility, not mine.

I again call your attention to the communication to me from General De Witt of the Western Defense Command of the United States Army, which I transmitted to you on Saturday, December 20, 1941.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

MOTION TO PRINT IN JOURNAL

Mr. Lyon moved that the following news report from the International News Service Bureau, be printed in the Journal:

SACRAMENTO, CALIFORNIA, December 22—(INS)—Governor Culbert L. Olson today canceled his original plans to declare holidays for the Friday and Saturday following Christmas.

The emergencies of wartime caused the Governor to decide against the holidays for State, city and county employees. He pointed out every hour counted in defense production and it was unwise to declare unnecessary holidays.

Olson leaves tomorrow for Los Angeles where he will spend Christmas with his family, returning to Sacramento after New Year's.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Joint Resolution No. 10: By Mr. Thorp—Relative to war between the United States and Japan and other Axis Powers.

Referred to Interim Budget Committee.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 13

Assembly Bill No. 13—An act to add Sections 2.1429 and 2.999 to the School Code, and to amend Sections 3.20, 3.30, 3.93, 3.94, 3.223, 4.721, 4.740, 4.751 and 4.752 of said code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Miss Miller moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 11, of the printed bill, as amended, after "Saturday", add "and Sunday".

Amendment read and adopted.

Bill ordered reprinted and re-engrossed.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act authorizing any city, county, city and county, district, or other public agency, to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately.

Bill read third time.

The bill was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, Meehan, Mid-dough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, and Welch—58.

NOES—None.

Bill ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was read, and on motion of Mr. Stream, ordered printed in the Journal:

VISTA, CALIFORNIA, December 22, 1941

*Honorable Assemblyman Charles W. Stream
Sacramento, California*

Following members Vista Company, California State Guard, voluntarily enlisted with understanding Guard was purely home defense emergency unit, not State Militia. We are all married men, mostly with families. If called, would hazard

continuance of our businesses and take key men from positions in small concerns. Desire to continue service as home defense unit.

EVERETT REMSBURG, newspaper; K. M. MORSE, cleaner; ABE SHELHOUP, merchant; ANDREW D. LAWHEAD, postmaster; A. L. LAVAQUE, post-office clerk; G. W. K. DALE, road foreman; LOUIS CASTELLANI, merchant; SAM FORTINER, wholesale florist; WILSON CULSH, JR., wholesale florist; BOB ELSINGER, produce shipper; HENRY A. BLOMSTROM, fruit buyer; CHESTER LAWRENCE, shoe shop; DICK MERRILL, garage; W. H. PETERS, gas company; L. HENRY MARSHALL, furniture store; ERNIE J. KLEINSMITH, merchant; W. H. HAWKINS, fruit packer; STAN HAWKINS, IRA J. CLARK, M.D.; HARRY N. HALFHILL, hotel; ELMER BASKINS, farmer.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Concurrent Resolution No. 14

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

COMMUNICATIONS

Mr. Kilpatrick moved that the following newspaper item, appearing in the Los Angeles Times of December 22d, be printed in the Journal: Motion carried.

Immediate appropriation of funds for the California State Guard was urged on the Legislature yesterday in a resolution adopted by local American Legion officials.

The resolution, adopted by the Legion's Los Angeles County Council, asked that Members of the Legislature "place your State and Nation ahead of any political animosity."

The State Guard, it was pointed out, is California's second line of defense.

"We urge," the resolution set forth, "that immediately, without further bickering, you make an appropriation, as requested by Army officials, to keep this second line of defense functioning."

The council, headed by Commander John J. Hartsook, represents 192 Legion posts in the county, with a membership of more than 27,000 veterans.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 4

Assembly Bill No. 8

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 1

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

LEAVES OF ABSENCE FOR THE BALANCE OF THE LEGISLATIVE DAY

The following members were granted leaves of absence for the balance of the legislative day:

Mr. Crowley, on motion of Mr. Cain.

Mr. Millington, on motion of Mr. Desmond.

Mr. Allen, on motion of Mr. Kellems.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Miss Miller moved to expunge the record and rescind the action whereby Assembly Bill No. 13 was this day refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Cronin, Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Green, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Leonard, Lowrey, Lyon, Meehan, Miller, Pelletier, Richie, Robertson, Russell, Sawallisch, Stream, Tenney, Thorp, Thurman, Voigt, Watson, Welch, Weybret, and Wollenberg—43.

NOES—Bashore, Knight, T. Fenton; McCollister, O'Day, Pfaff, and Mr. Speaker—6.

RECESS

At 6.40 p.m., on motion of Mr. Field, the Assembly recessed until 7.45 p.m.

REASSEMBLED

At 7.45 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Maloney, Green, Gallagher, Welch, Cronin, O'Day, Collins, George D., Wollenberg and Gaffney.

House Resolution No. 38

Relative to the passing of Bernard W. Horne

WHEREAS, Mr. Bernard W. Horne, affectionately known to the Members of this Assembly as "Benny" Horne, passed away between the end of the Regular 1941 Session and the beginning of this special session of the Legislature; and

WHEREAS, Bernard W. Horne was a veteran of the First World War, during which he served with distinction, and for many years served as political editor of the San Francisco Daily News, was recently connected with the San Francisco Examiner, and is affectionately remembered by many persons now serving in the Assembly; and

WHEREAS, The termination of the life and activities of Bernard W. Horne constitute an irreparable loss, not only to his family, his friends, and to the Members of the Assembly, but also to the people of the State of California to whom he was so well known; now, therefore, be it

Resolved by the Assembly of the State of California, That we do hereby express our grief and deep sense of loss upon the death of our former friend, "Benny" Horne, and extend to his bereaved family our very sincere sympathy and condolences; and be it further

Resolved, That when the Assembly adjourns this day, it do so out of respect to the memory of the late Bernard W. Horne; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the widow of our departed friend, Mrs. Bernard W. Horne, and to his children.

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up House Resolution No. 38, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. Voigt:

House Resolution No. 39**Relative to the Alien Land Law**

WHEREAS, An Interim Assembly Committee on Governmental Efficiency and Economy was created by House Resolution No. 195 of the Regular Session of 1941; and

WHEREAS, This committee was vested with power to investigate the organization, functions and administration of the State Government and of each department, agency and subdivision thereof and the governments of the cities and counties of this State; and

WHEREAS, The administration, enforcement and application of the Alien Land Law (Stats. 1921, page LXXXIII) should be considered and studied by this committee; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Governmental Efficiency and Economy is hereby authorized and directed to investigate and study accurately and in detail the operation, effect, applicability, and enforcement of the Alien Land Law.

Request for Unanimous Consent

Mr. Voigt asked for, and was granted, unanimous consent to take up House Resolution No. 39, at this time, without reference to committee.

Resolution read.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Concurrent Resolution No. 15

Assembly Concurrent Resolution No. 19

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 19?

Amendment No. 1

On page 1, line 15, of the printed bill, after "Senate", insert "to the".

The roll was called, and the Assembly concurred in Senate amendment to Assembly Concurrent Resolution No. 19 by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Houser, Frederick F., Johnson, Kellems, Kilpatrick, King, Knight, T. Fenton, Leonard, Lyon, Maloney, Massion, McCollister, Meehan, O'Day, Pfaff,

Robertson, Russell, Sawallisch, Stream, Thomas, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—43.
NOES—George D. Collins—1.

Resolution ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Bill No. 26

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 26?

Amendment No. 1

On page 2 of the printed bill, between lines 14 and 15, insert

"In case any employer fails or refuses to comply with the provisions of this section the superior court of the county in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the district attorney of the county in which such employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions. No fees or court costs shall be taxed against the person so applying for such benefits."

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 26 by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Cronin, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Bill ordered enrolled.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 15?

Amendment No. 1

On page 1 of the printed measure, strike out lines 3 to 5, inclusive, and insert "Session of the Legislature recess at 6 o'clock p.m. on the twenty-second day of December, 1941, to reconvene at 11 o'clock a.m. on the fifth day of January, 1942."

Demand for Previous Question

Messrs. Hawkins, Pfaff, Dilworth, Watson and Carlson demanded the previous question.

Demand for previous question sustained.

The question being on the concurrence in Senate amendment to Assembly Concurrent Resolution No. 15.

The roll was called, and the Assembly refused to concur in the Senate amendment to Assembly Concurrent Resolution No. 15 by the following vote:

AYES—Bashore, Burkhalter, Collins, George D. Collins, Sam L. Daley, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Howser, F. N. Johnson, Kilpatrick, King, Knight, T. Fenton; Leonard, O'Day, Pelletier, Pfaff, Russell, Thurman, Watson, Weybret, and Wollenberg—25.

NOES—Andreas, Burns, Hugh M. Carlson, Clarke, Desmond, Donnelly, Gallagher, Houser, Frederick F. Lyon, Maloney, McCollister, Sawallisch, Voigt, Welch, and Mr. Speaker—15.

To conference.

**APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
ASSEMBLY CONCURRENT RESOLUTION NO. 15**

The Speaker announced the appointment of Messrs. Lyon, Desmond and Field as a Committee on Conference Concerning Assembly Concurrent Resolution No. 15.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 15

Senate Bill No. 12

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 15—An act to add Section 555.15 to the Military and Veterans Code, relating to the organization of home defense units within the State Guard, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Ways and Means.

Senate Bill No. 12—An act relating to the furnishing of defense equipment to cities, counties, and cities and counties through the California State Council of Defense and making an appropriation therefor, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Voigt moved to expunge the record, and rescind the action whereby House Resolution No. 39 was laid on the table.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Messrs. King and Evans:

House Resolution No. 40

WHEREAS, Edwin W. Pauley of Los Angeles has just been appointed Secretary of the Democratic National Committee; and

WHEREAS, This is the first time that a western man has been appointed to so prominent a position within the ranks of his party; and

WHEREAS, Edwin W. Pauley is a young business man of outstanding capabilities and an honor to the position he is undertaking; now, therefore, be it

Resolved by the Assembly of the State of California, That it express to the President of the United States, its appreciation and approval of the selection of Edwin W. Pauley to position of Secretary of the Democratic National Committee; and be it further

Resolved, That Edwin W. Pauley be congratulated upon his selection to this position; and be it further

Resolved, That a copy of this resolution be properly prepared and sent to the President of the United States, Edward J. Flynn, Chairman of the Democratic National Committee, and to Edwin W. Pauley, Secretary of the Democratic National Committee.

Request for Unanimous Consent

Mr. Evans asked for, and was granted, unanimous consent to take up House Resolution No. 40, at this time, without reference to committee.

Resolution read and adopted.

RECESS

At 9 p.m., the Speaker declared a five minute recess to hear from Lieut. Col. Lewis Stone of the First Evacuation Regiment, and Lieut. Col. Rupert Hughes, also of the First Evacuation Regiment.

REASSEMBLED

At 9.05 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 8

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 3

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 4—An act to add Section 555.1 to the Military and Veterans Code, relating to rights and privileges of members of the State Guard, declaring the urgency of this act and that it shall go into immediate effect;

Assembly Bill No. 8—An act to add Sections 223.5, 553.1, 553.2, 553.3, 553.4 and 553.5 to the Military and Veterans Code, relating to the State Guard, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of December, 1941, at 9 p.m.

JOHN B. KNIGHT, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate appointed Senators Mayo, Ward and Crittenden as a Committee on Conference concerning:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: The Committee on Conference concerning:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature;

Consisting of the undersigned Members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be not concurred in, and that the resolution be further amended as follows:

Amendment No. 1

On page 1 of the printed measure, strike out lines 3 to 5, inclusive, and insert "Session of the Legislature recess at 11 o'clock p.m. on the twenty-second day of December, 1941, to reconvene at 11 o'clock a.m. on the twelfth day of January, 1942; and be it further

Resolved, That in the event it appears to the Speaker of the Assembly and to the President pro tempore of the Senate to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said twelfth day of January, 1942, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the Speaker of the Assembly and the President pro tempore of the Senate. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated."

MAYO
WARD
CRITTENDEN

Senate Committee on Conference

LYON
DESMOND
FIELD

Assembly Committee on Conference

Demand for Previous Question

Messrs. Johnson, Kellems, Watson, Dilworth and Knight, T. Fenton, demanded the previous question.

The roll was called, and the demand for the previous question sustained by the following vote:

AYES—Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Daley, Desmond, Dilworth, Field, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Knight, T. Fenton; Leonard, Lyon, McCollister, Pfaff, Robertson, Sawallisch, Stream, Thurman, Voigt, Watson, Weber, Weybret, Wollenberg and Mr. Speaker—29.

NOES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Donnelly, Doyle, Evans, Gaffney, Gallagher, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, O'Day, Russell, Thomas, and Welch—21.

The question being on the adoption of the report of the Committee on Conference Concerning Assembly Concurrent Resolution No. 15.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 10.53 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON ADOPTION OF CONFERENCE REPORT

At 10.54 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the Report of the Committee on Conference Concerning Assembly Concurrent Resolution No. 15 was adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, O'Day, Pelletier, Pfaff, Robertson, Russell, Sawallisch, Stream, Thorp, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

NOES—Collins, George D., Hawkins, Kilpatrick, King, Massion, Meehan, and Thomas—7.

Explanations of Vote

We, the undersigned Members of the California Legislature, have changed our vote from "No" to "Aye" on the Conference Committee Report on Assembly Concurrent Resolution No. 15, "Adjournment," for the following reasons: Although we believe that the Legislature should remain in constant session and vote sufficient appropriations to meet the defense emergency, when the motion for adjournment came up for a vote at 10.30 on Monday evening, December 22, 1941, 25 Members of the Legislature were not present, having left the Assembly Chamber, and could not be within a reasonable time returned under call of the House. That to our absolute knowledge we know that 42 members have signed an agreement to vote in favor of this resolution, and that it would only entail further expense to the State and hardship of the Members present to cause the calling back to Sacramento of Members who had left.

We, the undersigned Members of the Assembly, present when this vote was taken, regret that those Members who have left did so when such serious problems that now present themselves in this emergency should have been considered at this extraordinary session of the California State Legislature.

LEE T. BASHORE
T. A. MALONEY
EDWARD F. O'DAY
DAN GALLAGHER
LLOYD W. LOWREY
HUGH P. DONNELLY
EVERETT G. BURKHALTER

ALFRED W. ROBERTSON
JOHN D. WELCH
JOHN N. EVANS
G. A. ANDREAS
JOHN EDWARD CAIN
FRANK C. RUSSELL
EDW. W. GAFFNEY

I oppose recessing during present war emergency without a definite program to safeguard lives and property in California. What happened in Pearl Harbor can happen in California. The hard, cold facts of war can not be ignored. We shouldn't expect Santa Claus to do what we were elected to do.

AUGUSTUS F. HAWKINS

I voted to recess, as I know to oppose would be futile, and only retard the immediate call to action of the committee to work out an appropriation to which there could be no opposition.

T. J. DOYLE

I agree with the Governor that we should properly and without delay dispose of the responsibilities now before us—that of providing ample funds for the State Guard and local defense. Therefore, I am opposed to a recess at this time.

VERNON KILPATRICK
VINCENT THOMAS
JACK MASSION

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, December 22, 1941

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 41

Resolved, That Arthur A. Ohnimes, Chief Clerk, be and he is hereby authorized and empowered to receipt for any warrants that may be due members, officers, or other attaches of the Assembly, during the recess of this session, or that may be drawn upon the Contingent Fund of the Assembly.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 41, at this time, without reference to committee.

Resolution read and adopted.

By Mr. Lyon:

House Resolution No. 42

Resolved, That each and every officer, attache and employee of this Assembly is hereby stricken from the pay roll upon completion of work at the end of the day on December 22, 1941, save and except those who will be certified to the Controller upon a weekly pay roll pursuant to House Resolution No. 27, adopted by the Assembly on December 21, 1941.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 42, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Collins, Sam L., Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Gallagher, Green, Hawkins, Houser, Frederick F., Johnson, Kellems, Kilpatrick, King, Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, O'Day, Pelletier, Pfaff, Robertson, Russell, Stream, Thomas, Thorp, Thurman, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

NOES—None.

By Mr. Lyon:

House Resolution No. 43

Resolved, That the Speaker appoint a Special Committee of Three to wait upon the Senate and inform it that the Assembly is ready to recess, and ask if it has any further message to deliver to this body.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 43, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 43, the Speaker announced the appointment of Messrs. Lyon, Stream and Maloney as such Special Committee.

RESOLUTIONS

The following resolution was offered:

By Mrs. Daley:

House Resolution No. 44

Resolved, That the Speaker appoint a Special Committee of Five to wait upon the Honorable Culbert L. Olson, Governor of the State of California, and inform him that the Assembly is ready to recess, and awaits his further pleasure.

Request for Unanimous Consent

Mrs. Daley asked for, and was granted, unanimous consent to take up House Resolution No. 44, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 44, the Speaker announced the appointment of Mrs. Daley and Messrs. Dilworth, Kilpatrick, Knight, T. Fenton, and Leonard as such Special Committee.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Sam L. Collins, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Major Karl D. Marks of Hollywood and Capt. Herman Zabel of Santa Ana.

On request of Mr. Cain, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the following officers of the California State Guard: Brig. Gen. J. O. Donovan, Lt. Col. J. Pierce, Capt. P. E. Warner, Major R. K. Chappell, Major John Fahy, Col. F. R. McReynolds, Maj. John T. Coulston, Maj. A. N. Briles, Lt. Col. Muriney Mentzner, Lt. Jr. Grade Leslie Baier, Maj. Brooke Sawyer, Maj. R. H. Stockwell, Maj. Dan Miller, Maj. W. L. Dunn, Maj. M. M. McCallan, Capt. J. P. Hawthorne, Maj. T. A. Gregory, Col. Allard A. Calkins, Maj. Henry C. Huntington, Col. Jack Hastie, Jr., Lt. Col. Rupert Hughes, Lt. Col. Lewis S. Stone, Maj. Frank G. Nolan, Maj. Karl D. Marks, Col. John C. French, Capt. C. A. Powell, Lt. Chas. Wells, Lt. Col. M. J. Bullier and Lt. Jos. Fitzgerald.

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Senate appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

The Special Committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

RECESS

At 11 p.m., on Monday, December 22, 1941, in accordance with the provisions of Assembly Concurrent Resolution No. 15, the Honorable Gordon H. Garland, Speaker of the Assembly, declared the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California at recess until 11 a.m., Monday, January 12, 1942, unless sooner reconvened in accordance with the provisions of Assembly Concurrent Resolution No. 15, out of respect to the memory of the late Hon. John Lindsey Mendenhall, the late Hon. William A. Vann, the late Louis J. Gilbert, and the late Bernard W. Horne.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIFTH LEGISLATIVE DAY
TWENTY-FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, January 12, 1942

At 11 o'clock a.m., pursuant to the provisions of Assembly Concurrent Resolution No. 15, adopted December 22d, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.
Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—73.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Lyon.

LEAVE OF ABSENCE FOR THE LEGISLATIVE YEAR

Mr. Bashore moved that Mr. Cooke be excused for the balance of the legislative year.

Motion carried unanimously.

MOTION TO APPOINT SPECIAL COMMITTEE

Mr. Clarke moved that the Speaker appoint a Special Committee of Three to notify the Senate that the Assembly has reconvened the Fifty-fourth (First Extraordinary) Session pursuant to Assembly Concurrent Resolution No. 15, and is ready to proceed with the business of the State.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of the motion by Mr. Clarke, the Speaker announced the appointment of Messrs. Clarke, Thorpe and Pelletier as such Special Committee.

MOTION TO APPOINT SPECIAL COMMITTEE

Mr. Lyon moved that the Speaker appoint a Special Committee of Three to notify the Governor that the Assembly has reconvened the Fifty-fourth (First Extraordinary) Session pursuant to Assembly Concurrent Resolution No. 15, and is ready to proceed with the business of the State.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of the motion by Mr. Lyon, the Speaker announced the appointment of Messrs. Lyon, Houser, Frederick F., and Mrs. Daley.

COMMITTEE FROM THE SENATE

Senators Biggar, Cunningham and Ward, a Special Committee from the Senate, appeared at the bar of the Assembly, and notified the Assembly that the Senate had reconvened pursuant to the provisions of Assembly Concurrent Resolution No. 15, and was ready to proceed with the business of the State.

COMMUNICATIONS

A communication from Frank W. Clark, Director of Public Works, dated January 7, 1942, pursuant to report on studies and survey for a bridge across Cache Slough at Ryer Island Ferry, X-Sol.-99-A, was received, and ordered filed with the Secretary of State.

The following communication was received, read, and ordered printed in the Journal:

Navy Department, Bureau of Navigation
WASHINGTON, D. C., January 1, 1942

*Mr. Arthur A. Ohnimus, Chief Clerk of the Assembly
State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: Your letter of December 22d to the Secretary of the Navy has been referred to this bureau.

Attention is invited to the fact that no action has been taken by the Navy Department to curtail or to ban sporting events or other similar civilian activities. Unless it is absolutely necessary to curtail such activities, it is desirable to maintain the high level of public morale by their continuance.

It should be noted, however, that final responsibility within designated Military areas rests with the Commander of that area and, if in his opinion it is desirable

or necessary for Military purposes to order cancellation of certain sporting events or other similar civilian activities, such action will be taken.

Sincerely yours,

RANDALL JACOBS, Chief of Bureau
F. U. LAKE, By direction

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Governor, reported that it has performed its duty.

The Special Committee appointed to wait upon the Senate, reported that it has performed its duty.

MOTION TO PRINT PUBLICATIONS ON NEWS STOCK

Mr. Lyon moved that the Chief Clerk be instructed to have the Assembly Journals, Files, and Histories printed on regular news paper instead of the glazed paper formerly used.

Motion carried unanimously.

RECESS

At 11.17 a.m., on motion of Mr. Lyon, the Assembly recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

CONSIDERATION OF DAILY FILE THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Pfaff moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 6, inclusive, and insert "be applicable, during any duly declared State or National emergency, to any deputy sheriff or constable serving without compensation from the public, who is an attorney at law and who is also an owner, part owner, officer or bona fide employee of any owner or owners, corporation, partnership or association operating any mutual, or publicly or privately owned water, electric, telephone, telegraph, gas, railroad or other utility located wholly or in part within the State of California."

Amendment No. 2

On page 1, line 16, of the printed bill, after "emergency", insert "and", particularly with reference to the continuity of operation of the various utilities of the State".

Amendments read and adopted.

Bill ordered reprinted, and to third reading.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 45

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund

in favor of the following named Member of the Assembly for the amount set opposite his name, and the State Treasurer is hereby directed and ordered to pay the same.

Amount at 5 cents per mile	Total mileage	Mileage one way	Distance from county seat, less	Distance from county seat, more	Distance from county seat	Name	Address
\$25 30	506	42	---	---	295	2 Wm. I. Gunlock	Dunsmuir, Siskiyou County

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 45, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellens, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Middough, Miller, Midlington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

By Committee on Rules:

House Resolution No. 46

MR. SPEAKER: Your Committee on Rules respectfully begs to report that it has carefully considered the applications for the various positions and desires to submit the following resolution:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

Commencing Monday, January 12, 1942:	Per day
Arthur A. Ohnimus, Chief Clerk	\$10 00
Frank Reed, Assistant Chief Clerk	9 00
C. William Queale, Minute Clerk	9 00
Charles W. Robbins, Engrossing and Enrolling Clerk	7 00
Marion Hendricks, Assistant Clerk	7 00
Harold Lewright, Assistant Clerk	7 00
Juanita L. Dependener, Assistant Clerk	7 00
Nina Ronstadt, Assistant Clerk	7 00
Irene Mosher, Assistant Clerk	7 00
Wilkie Ogg, Sergeant-at-Arms	8 00
Rev. Thomas H. Markham, Chaplain	4 00
Leonora Trethowan, Stenographer	5 00
Clare Foot, Stenographer	5 00
Dolly Smith, Stenographer	5 00
Grace Stall, Stenographer	5 00
Fern Sherick, Stenographer	5 00
Ed Nathan, Assistant Sergeant-at-Arms	5 00
James Doyle, Assistant Sergeant-at-Arms	5 00
George Petrick, Assistant Sergeant-at-Arms	5 00
Roy Crocker, Assistant Sergeant-at-Arms	5 00
Harry Hart, Assistant Sergeant-at-Arms	5 00
Michael Connolly, Assistant Sergeant-at-Arms	5 00
William C. Coffman, Chief Page	3 00
Mason Riegel, Page	2 50
Richard Desmond, Page	2 50

Resolved, further, That the compensations of the above named attaches shall be on a seven-day per week basis.

I. LYON, Chairman
Committee on Rules

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 46, at this time.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolutions were offered:

Assembly Joint Resolution No. 11: By Messrs. Meehan, Gunlock, Cain, Maloney, Collins, George D., and Mrs. Daley—Relative to non-deductible income of recipients of old age assistance.

Referred to Committee on Rules.

Assembly Joint Resolution No. 12: By Messrs. Cain, Gunlock, Meehan and Maloney—Relative to memorializing the Congress of the United States to enact legislation imposing severe penalties for the theft of tires, tubes and essential parts from automobiles.

Referred to Committee on Rules.

Assembly Joint Resolution No. 13: By Messrs. Cain, Gunlock and Meehan—Relative to memorializing Congress to amend the Social Security Act to permit recipients of old age assistance to engage in gainful employment without reduction in amount of old age assistance.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 20: By Mr. McCollister—Relative to approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941.

Request for Unanimous Consent

Mr. McCollister asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 20, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 20

Assembly Concurrent Resolution No. 20—Relative to approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—None.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 12, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 10

Senate Concurrent Resolution No. 11

Senate Concurrent Resolution No. 12

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 10—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Geyer.

Request for Unanimous Consent

Mr. Dills asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 10, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 10

Senate Concurrent Resolution No. 10—Relative to adjournment out of respect to the memory of the late Congressman Lee E. Geyer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Resolution ordered transmitted to the Senate.

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools.

Request for Unanimous Consent

Mr. Clarke asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 12, at this time, without reference to committee or file.

Resolution read.

Motion to Refer to Committee

Mr. Dills moved that Senate Concurrent Resolution No. 12 be referred to the Committee on Rules.

Mr. Evans seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Carlson, Collins, George D., Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, King, Lyon, Maloney, Massion, McCollister, Miller, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Tenney, Waters, Welch, Weybret, and Wollenberg—42.

NOES—Burns, Michael J., Call, Clarke, Collins, Sam L., Crowley, Del Mutolo, Field, Leonard, Lowrey, Meehan, Middough, Millington, Salsman, Stream, Thorp, Thurman, Turner, and Mr. Speaker—18.

Senate Concurrent Resolution No. 12 ordered referred to Committee on Rules.

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 11—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes.

Request for Unanimous Consent

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 11, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 11

Senate Concurrent Resolution No. 11—Relative to the retirement of Sacramento City Superintendent of Schools Charles C. Hughes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Turner, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received and read:

MONROVIA, CALIFORNIA, January 5, 1942

*Mr. Lee Bashore, State Assemblyman
Sacramento, California*

DEAR SIR: I have been informed that registered nurses are not on the rubber tire priority list. I wish to call this deplorable oversight to your immediate attention.

Picture for yourself this situation. A member of your family, critically ill, is in need of a registered nurse to give the necessary care as ordered by your physician. The few nurses who still have their own means of transportation are all busy. And a great many good nurses are unavailable due to lack of tires on their idle cars.

Perhaps a little dramatic, but nevertheless entirely possible. Hospitals and sanatoriums as well as private homes are going to feel the hardship caused by refusing tires to registered nurses. There are relatively few institutions that have housing facilities for the nurses regularly employed by them without considering the large number of registered nurses needed for private duty.

I sincerely hope you will give this your earnest consideration and try to help rectify this omission.

Very truly yours,

IDA McCARDLE, R. N.

Motion to Transmit Copy of Communication

Mr. Bashore moved that the Chief Clerk be instructed to send a copy of the above communication to the proper priority authorities for consideration.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Mr. F. N. Howser:

House Resolution No. 47

Relative to a breakwater for the protection of Long Beach Harbor

WHEREAS, The several States along the Pacific Ocean are separated from the populous portion of our Nation by nearly 1,500 miles of sparsely settled territory of mountains, deserts and plains across which are few railroads and few highways and all of which are vulnerable to enemy attack; and

WHEREAS, The State of California embraces three-fifths of the Pacific Coastline of the United States and contains seven-tenths of the population of all of the States bordering on the Pacific Ocean; and

WHEREAS, California's immense natural resources include 12,000,000 acres of crop lands and 24,000,000 acres of grazing lands, which constitute the only area of the entire Western Hemisphere facing the Pacific Ocean that is capable of sustaining a population of many millions independent of food importation, together with untold oil, natural gas, hydroelectric energy, timber and mineral wealth, and gigantic industrial power and potentialities, and California is an area bordering the Pacific shores of the Western Hemisphere most vital to and most worth the cost to the enemies with whom we are at war to endeavor to attack, destroy, invade or conquer, or to have and to hold; and

WHEREAS, A great percentage of the aircraft industry of the entire country is located in Southern California and has proved in the past month to be so vital to National defense; and

WHEREAS, A contract was let to the Columbia Construction Company in March of 1941 for the construction of 13,350 feet of breakwater for the protection of Los Angeles Long Beach Harbor and according to the terms of this contract, the entire length of time for completion was 30 months and there were certain things according to said terms that were to be completed in 90 days, 120 days, and so forth; and

WHEREAS, Very little has been done on this project to date; now, therefore, be it Resolved by the Assembly of the State of California, That the President of the United States, as Commander in Chief, and the Congress thereof are hereby respectfully urged to cause an immediate study of the project to be made by the appropriate defense authorities, and to consider favorably the speeding up of the aforesaid defense project; and be it further

Resolved, That the Chief Clerk of the Assembly forward a copy of this resolution to the President of the United States, to the California Members of the Congress, and to the members of the Military and Naval Affairs Committees of the Congress.

Request for Unanimous Consent

Mr. F. N. Howser asked for, and was granted, unanimous consent to take up House Resolution No. 47, at this time, without reference to committee.

Resolution read and adopted.

MOTION TO PRINT IN JOURNAL

Mr. Field moved that the following report be ordered printed in the Journal:

Mr. Maloney seconded the motion.

Motion carried.

January 12, 1942

To the Honorable W. P. Rich, Chairman, and the Members of the Joint Legislative Budget Committee

Your Subcommittee of Two, consisting of the undersigned, appointed to go to Washington, D. C., for the purpose of conferring with Members of Congress, and officials of the United States Government on the matters pending before the present Special Session of the California Legislature, respectfully begs to report as follows:

Four days were spent by your subcommittee in Washington, D. C., January 5, 6, 7 and 8, 1942, during which time it conferred with the War Department, United States Senator Sheridan Downey, Representatives Lea, Buck, Welch, Leland Ford, Hinshaw, Voorhis, Rolph, Carter, Tolan, Costello, Englebright, Sheppard, Johnson, Anderson and Kramer, and called upon the office of Senator Hiram Johnson for special assistance. Two Congressional Delegation meetings were called during your committee's stay in the Capitol. The first meeting included only the California Delegation, but at the second meeting representatives of Washington and Oregon were invited and attended.

It was at once apparent that the matters before our Legislature have also been a matter of lively concern in Washington. Proposals have been made in the form of bills introduced, and they were all thoroughly discussed in our meetings.

As the outgrowth of these discussions, your subcommittee found that the consensus of opinion of our Congressional Delegation was that:

First: A National policy on auxiliary guard forces should be immediately established and conferences with the War Department be had at once on the following proposals now pending before Congress, to wit:

(a) H. R. 3305 introduced by Representative Costello of Los Angeles and Representative Anderson of Santa Clara providing for an Army-supervised Home Defense Reserve Corps of 1,000,000 men to be completely financed by the Federal Government.

(b) H. R. 6348 introduced by Representative Kramer of Los Angeles for a Home Defense Corps drawn from the ranks of regular and reserve retired Army officers and men unqualified for active combat service. This Corps would consist of men trained, disciplined, and able to use effectively United States Army weapons, equipped uniformly by the Army. These men would come under the authority of the local sector, district, or other Army commander. There would be an over-all uniformity of controls when the mobile forces as organized into combat divisions should leave a particular area to come into actual contact with the enemy. The Home Defense Corps would remain to guard the plants, bridges, or other important areas considered vital and of general Military and civilian importance.

(c) The proposal of Representative Welch of San Francisco for a State Guard in the various States, which would be subject to Federal supervision with the United States supervising the State units and paying them a 50 per cent subsidy.

All of the authors of the proposals agreed that their aim was to see that from their ideas, a single bill be evolved which would be best adapted to Pacific Coast needs and the plans of the War Department.

Second: That the protection of the vital resources, utilities, and industries of the Pacific Coast States is a matter of National concern and one in which the whole Country should help bear the burden of expense.

Third: That since it is to the interest of National defense to relieve combat-trained troops of Guard duties, the War Department should at once outline a Uniform National Plan to utilize for this duty men of Military training unable to go into active combat.

Fourth: That California and the other Pacific Coast States be given a generous and proper share of the \$100,000,000 voted to aid local defense as soon as the bill providing for it (H. B. 5727) becomes law. The bill is expected to be before the President this week. Your subcommittee informed the delegation of the \$50,000,000 total requests presented to your committee by California counties and cities, and this material will be used in urging adequate allowances to this State under the bill.

Fifth: That Pacific Coast communities be given priorities in defense and protection equipment which they desire to purchase, and that Congressional representations to that end be promptly made to the Office of Production Management.

Senator Downey also informed your subcommittee that he is planning to seek financial assistance from the Federal Government for the maintenance of State forces on the Pacific Coast.

Hon. J. J. McCloy, Assistant Secretary of War, informed your subcommittee that as far as California is concerned, an important problem of the Army is the combating of possible sabotage, and that additional State legislation in this field will undoubtedly be necessary.

Representative Linn, dean of the California Delegation, has requested our committee to furnish him with a detailed statement on the precise situation in California which he may use in discussions with the War Department in urging them to work out a National policy for State troops.

Respectfully submitted.

GORDON H. GARLAND
ROBERT W. KENNY

MOTION TO PRINT IN JOURNAL

Mr. Field moved that the following reports and bills from the United States Congress, referred to in the Report by Speaker Garland and Senator Kenny, be printed in the Journal:

Motion carried.

77TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES

{ REPORT
No. 1452

PROVIDING FOR CIVILIAN DEFENSE AGAINST BOMBING ATTACKS, ETC.

NOVEMBER 26, 1941.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. MAY, from the Committee on Military Affairs, submitted the following

REPORT

[to accompany H. R. 5727]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5727) to provide protection of persons and property from bombing attacks in the United States, its Territories and possessions, to authorize the procurement of materials and supplies, and for other purposes, having considered the same, submit the following report thereon, with the recommendation that it do pass with the following amendments:

Section 1, line 3, following the word "sums" insert a comma and add the following: "not exceeding \$100,000,000".

Section 1, line 4, beginning with the word "Director" strike out all down to and including the figures "1941" and insert "the Secretary of War".

Page 2, line 2, strike out the words "said Director" and insert "the Secretary of War".

Page 2, line 11, strike out "Director of Civilian Defense" and insert "the Secretary of War".

SECTION 2, strike out the entire section and insert in lieu thereof the following: It shall be unlawful for any person to wear an insignia, arm band, or other distinctive article prescribed by the Secretary of War except in accordance with the regulations promulgated under the authority of section 1 hereof, provided that nothing in this Act shall be construed as authorizing the Secretary of War, or any person or employee acting under him by authority of this Act, or in pursuance of the regulations prescribed thereunder to interfere with or usurp any of the rights or duties of any local district, municipal, county, or State official.

Any person found guilty of violating the provisions of this section shall, upon conviction, be fined not more than \$100 or imprisoned for not more than thirty days, or both.

The chief objective of this legislation, as amended by the committee, is to authorize appropriations in such sums, not exceeding \$100,000,000 in all, as may be necessary to carry out the contemplated program of civilian defense as set up by the President under Executive Order No. 8757, and the bill, as amended, places in the jurisdiction of the Secretary of War the power and authority to carry out the act under regulations that may be prescribed by the President, and to make purchases of all necessary facilities, supplies, and services, including research, for the purpose of providing adequate protection to persons and property from bombing attacks, and in order to do this, it is contemplated that several plants for the production of necessary supplies and materials will be engaged, so far as possible, in private

industry for the purpose of providing the necessary materials and supplies, but it is the intention of the committee that the Secretary of War shall provide these materials and supplies through the agencies of his Department—that is, where such articles as gas masks and other facilities for the protection of civilians from the results of bombing raids and attacks shall be procured by the Secretary of War through the instrumentalities and organizations set up in the Chemical Warfare Service, and it is the intention of the committee that the necessary auxiliary or supplemental appliances for fire fighting and the extermination and control of fires resulting from incendiary bombings or otherwise, shall be furnished only to such cities, municipalities, and communities as are unable to provide therefor.

In addition to providing for additional auxiliary or supplemental equipment for fire-fighting purposes, it is provided in the legislation that any department or agency of Government having equipment or supplies not required for its use, may, subject to the approval of the Division of Procurement of the Treasury Department, transfer the same without charge to the Secretary of War for the purposes outlined in the act.

It appeared in the testimony before the committee from the Director of Civilian Defense and others representing that Agency, as well as witnesses representing the War Department, that the purpose and intent of the Civilian Defense organization is to provide, through the agency of the War Department, under the direction of the Secretary of War, a system of educational orders and training of personnel, as well as to invite the cooperation and assistance of local, municipal, county, and State authorities and volunteers for the work of prevention and control of fires and the protection of human life and property against raids by enemy forces. It appeared also from the testimony that the Civilian Director wishes to establish areas or danger zones constituting a belt around continental United States, reaching from the coast line to approximately 300 miles into the inland and along the international north and south borders and Gulf of Mexico a like area, most likely to be attacked by a foreign enemy, but of course this does not preclude the furnishing of auxiliary equipment and other needed facilities to the entire area of the United States and to all cities therein which may be subject to attack and are without financial means to provide such protection.

Section 2 of the bill was stricken out in its entirety and a new section substituted for the original section for two principal reasons. It was the wish of the committee to grant to the Civilian Defense Director the power to prescribe for persons employed in his organization in relief work and for protection against fires and bombings, insignias, arm bands, and other distinctive articles prescribed by the Director, and it was thought this language was too broad, and it was therefore rewritten to limit the power of the Director in providing for distinctive articles to distinguish civilian-defense employees from others with an insignia or badge rather than a uniform, which might conflict with various societies and organizations which have already adopted uniforms for the use of their personnel and for the further purpose of reducing the penalty as provided for in said section, the only change being that the fine is limited to not more than \$100 and imprisonment of not more than 30 days, whereas the original section would have authorized a sentence of imprisonment of as much as 6 months.

The committee feel that the bill is necessary and that the Government should at least anticipate the possibility of bombing attacks in any future effort that may be undertaken by a foreign enemy, and rather than procrastinate and delay to such an extent as to meet the same kind of fate that many European countries have already met, we ought, as it were, "take time by the forelock" and get ready for meeting any situation that may arise.

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following material is indicated by being inclosed within brackets.

77TH CONGRESS, 1ST SESSION

H. R. 5727

[Report No. 1452]

Union Calendar No. 489

IN THE HOUSE OF REPRESENTATIVES

September 29, 1941

Mr. MAY introduced the following bill; which was referred to the Committee on Military Affairs

November 26, 1941

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A Bill

To provide protection of persons and property from bombing attacks in the United States, its Territories and possessions, to authorize the procurement of materials and supplies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums, *not exceeding \$100,000,000*, as may be necessary to enable the [Director of Civilian Defense, appointed under authority of Executive Order Numbered 8757, dated May 20, 1941] *Secretary of War* to provide, under such regulations as the President may prescribe, facilities, supplies, and services to include research and development for the adequate protection of persons and property from bombing attacks in such localities in the United States, its Territories and possessions, as may be determined by [said Director] *the Secretary of War* to be in need of, but unable to provide, such protection: *Provided*, That such facilities and supplies may be loaned to civil authorities in accordance with said regulations: *Provided, further*, That any department or agency of the Federal Government having equipment or supplies not required for its use may, subject to the approval of the Division of Procurement, Treasury Department, transfer the same without charge (notwithstanding the provisions of the Act of December 20, 1928, 45 Stat. 1030) to the [Director of Civilian Defense] *the Secretary of War* for the purpose herein authorized.

[SEC. 2. It shall be unlawful for any person to wear a uniform, insignia, arm band, or other distinctive article prescribed by the Director of Civilian Defense except in accordance with the regulations promulgated under the authority of section 1 hereof. Any person found guilty of violating the provisions contained in this section shall, upon conviction, be fined not more than \$100 or imprisoned for not more than six months, or both.]

SEC. 2. It shall be unlawful for any person to wear an insignia, arm band, or other distinctive article prescribed by the Secretary of War except in accordance with the regulations promulgated under the authority of section 1 hereof: Provided, That nothing in this Act shall be construed as authorizing the Secretary of War, or any person or employee acting under him by authority of this Act, or in pursuance of the regulations prescribed thereunder to interfere with or usurp any of the rights or duties of any local district, municipal, county, or State official.

Any person found guilty of violating the provisions of this section shall, upon conviction, be fined not more than \$100 or imprisoned for not more than thirty days, or both.

77TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES

{ REPORT
No. 1565

CREATING THE LIMITED SERVICE MARINE CORPS RESERVE

JANUARY 7, 1942.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. VINSON of Georgia, from the Committee on Naval Affairs, submitted the following

R E P O R T

[To accompany H. R. 6303]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 6303) to create the Limited Service Marine Corps Reserve, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to establish a special class in the Marine Corps Reserve in which men not qualified by reason of age or physical condition for duty in combatant organizations, will be enlisted for duty in activities of the Naval Shore Establishments within the United States.

Under existing conditions, it is necessary to assign a large number of men in the Regular Marine Corps and Marine Corps Reserve to guard duty at naval stations and other shore activities. The result is that these men whose services are urgently needed for training and service with active military units are being utilized for a duty which can be as well performed by others who are themselves not qualified for combatant duty.

It is the intention of the Navy Department to enlist approximately 6,000 men for this duty during the present year. It will be necessary to waive certain physical disabilities in those cases where it appears that such disabilities will not interfere with the performance of the restricted type of duty contemplated by the bill. It is also planned to give preference in these enlistments to men over 30 years of age, and including those with World War service.

The following letter from the Secretary of the Navy addressed to the Speaker of the House of Representatives and transmitted by him to the Chairman of the Committee on Naval Affairs of the House of Representatives sets forth the views and recommendation of the Navy Department on this bill. This letter is hereby made a part of this report.

NAVY DEPARTMENT,
Washington, December 26, 1941.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed bill to create the Limited Service Marine Corps Reserve, and for other purposes.

The purpose of the proposed legislation is to establish a special class in the Marine Corps Reserve of men who will be limited in their duties to serving as guards at naval shore activities within the United States. The bill would further provide that men enlisting in this special class, who are veterans of the World War, be not subject to the pay limitation of \$21 per month during the first 4 months of service, prescribed by section 12 (a) of the Selective Training and Service Act of 1940. Finally, the bill would provide that all men enlisted in this special class of reserves, would be entitled to the allowances for quarters and subsistence and to the transportation of dependents and of household effects now provided for enlisted men of the first three pay grades of the Marine Corps Reserve.

Heretofore members of the regular Marine Corps and the Marine Corps Reserve, in considerable numbers, have been assigned for duty at naval shore activities for guard duty. Under existing conditions there is an urgent need for relieving such men from guard duty and making them available for training and service with active military units. With a view to making this possible, the plan has been evolved to create a force for limited service as military guards. Such a plan would allow of utilizing men who, by reason of age or physical condition, are not qualified for duty in combat organizations.

It is considered that men who served in the military forces in the World War and men beyond normal recruit age, with more mature judgment, would be particularly suitable for this type of duty. In order to attract such men additional inducements are necessary. To this end the bill would provide that the pay limitation of \$21 for the first 4 months under the Selective Training and Service Act be removed as to veterans of the World War, and that all these men would be entitled

to receive, regardless of pay grade, the allowances for quarters and subsistence and the transportation of dependents and of household effects now provided for enlisted men of the first three pay grades of the Marine Corps Reserve.

The Navy Department contemplates enlisting approximately 6,000 men for the duration of the emergency for this limited service, waiving such physical disabilities as will not interfere with the performance of this type of duty, and giving preference to men over 30 years of age and men with World War Service.

The Navy Department is of the opinion that authorization for a military guard force as contemplated by the proposed legislation would add materially to the active strength of the Marine Corps by releasing thereto enlisted personnel now on duty as guards, and to the same extent would contribute to the national defense.

In view of the foregoing, the Navy Department recommends enactment of the proposed legislation.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the submission of this recommendation.

Sincerely yours,

FRANK KNOX.

Union Calendar No. 538

77TH CONGRESS

2D SESSION

H. R. 6303

[Report No. 1565]

IN THE HOUSE OF REPRESENTATIVES

January 5, 1942

Mr. VINSON of Georgia introduced the following bill; which was referred to the Committee on Naval Affairs

January 7, 1942

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

A Bill

To create the Limited Service Marine Corps Reserve, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established as a part of the Marine Corps Reserve a class to be known as the Limited Service Marine Corps Reserve, for duty as guards at naval shore activities within the continental United States, to be subject to the laws and regulations, except as may be necessary to adapt the same hereto, applicable to the Marine Corps Reserve: *Provided*, That the provision of section 12 (a) of the Selective Training and Service Act of 1940, that the monthly base pay of enlisted men with less than four months' service during their first enlistment shall be \$21, shall not apply to members of the Limited Service Marine Corps Reserve who are veterans of the World War: *Provided further*, That all enlisted men of the Limited Service Marine Corps Reserve shall be entitled to allowances for quarters and subsistence and to transportation of dependents and of household effects in the same manner and under like conditions as are now or may hereafter be authorized for enlisted men of the first three pay grades of the Marine Corps Reserve.

77TH CONGRESS

1ST SESSION

H. R. 3305

IN THE HOUSE OF REPRESENTATIVES

February 12, 1941

Mr. COSTELLO introduced the following bill; which was referred to the Committee on Military Affairs

A Bill

To establish as a part of the Reserve component of the Regular Army a Home Defense Organized Reserve for local home defense.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the National Defense Act, as amended, is amended to read as follows:

"SECTION 1. That the Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, the Enlisted Reserve Corps, and the Home Defense Organized Reserve."

SEC. 2. Section 55c of the National Defense Act is amended by adding at the end thereof the following:

"SEC. 55d. HOME DEFENSE ORGANIZED RESERVE.—(1) The President is authorized and directed to establish a Home Defense Organized Reserve, which shall consist of such number of officers and men (not exceeding one million) over the age of thirty-five years voluntarily enlisting therein as its duties may require. The President may also assign officers and enlisted men of the Regular Army for duty with or for training of the Home Defense Organized Reserve.

"(2) All policies affecting the organization, distribution, appointment, and promotion in, training of, assignment to, and discharge from, the Home Defense Organized Reserve shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added the necessary number of officers from the Home Defense Organized Reserve.

"SEC. 55e. ORGANIZATION OF HOME DEFENSE ORGANIZED RESERVE.—(1) The Home Defense Organized Reserve shall have corps areas coextensive with the corps areas of the Regular Army, and such corps areas shall be commanded by the commanding officers of the respective corps areas of the Regular Army. The War Department General Staff shall assign officers from the personnel of the Home Defense Organized Reserve to assist in such command and to establish and maintain liaison within the corps area.

"(2) In each Home Defense Corps Area there shall be such number of home-defense departments as the War Department General Staff deems necessary to facilitate administration and tactical control. The home-defense departments shall be commanded by an officer or officers from the personnel of the Home Defense Organized Reserve, designated by the War Department General Staff.

"(3) In each home-defense department there shall be such local home-defense districts as the War Department General Staff deems the duties of the Home Defense Organized Reserve in such department require. In each such district there shall be a home-defense unit composed of such number of officers and men voluntarily enlisting therein, organized in such manner, as the War Department General Staff deems necessary.

"SEC. 55f. DUTIES OF HOME DEFENSE ORGANIZED RESERVE.—The Home Defense Organized Reserve shall, under the direction of the War Department General Staff, through the organization herein provided for—

"(1) become fully informed of all strategic points within their respective home-defense districts, such as oil and gas supplies, waterworks, manufacturing establishments, bridges, docks, airports, tunnels, and be prepared to protect such points from sabotage and enemy infiltration in time of national emergency;

"(2) become fully informed of all roads, trails, railroads, and other lines of communication within their respective home-defense districts;

"(3) become fully informed of the topography of their respective home-defense districts together with the significance thereof in relation to military tactics;

"(4) provide for and assist in the hospitalization and evacuation of civilian population in their respective home-defense districts in time of national emergency;

"(5) cooperate with the intelligence section of the Regular Army;

"(6) prepare itself to assume duties in connection with the conscription of manpower in time of national emergency;

"(7) train and arm a sufficient force to act in emergency to defend their respective home-defense districts against any preliminary enemy activity; and

"(8) perform such other duties in connection with home defense and to cooperate with the Regular Army in such manner and furnish the Regular Army with such information with respect to their respective home-defense districts as the War Department General Staff may prescribe.

"SEC. 55g. ACTIVE SERVICE OF HOME DEFENSE ORGANIZED RESERVE.—Members of the Home Defense Organized Reserve may be called to active service only in time of national emergency declared by Congress or by the President pursuant to law, but shall at all other times regularly engage in such drills and training for such periods (not exceeding eight hours per month) as the War Department General Staff may prescribe. Members thereof may also be called for not exceeding fifteen days in any month for practice coordination with maneuvers of the Regular Army, which for purposes of pay and allowances shall be deemed active service. While on active service, the Home Defense Organized Reserve shall receive the same pay and allowances as personnel of equal rank in the Regular Army.

"SEC. 55h. SURPLUS ARMY EQUIPMENT.—The Secretary of War is authorized to furnish the local Home Defense Organized Reserve units with such surplus rifles (together with ammunition therefor), equipment materiel, and so forth, as he required for the training and drilling and use of such units and as may be required by their duties.

"SEC. 55i. ENLISTMENT NOT TO EXEMPT FROM CONSCRIPTION.—Enlistment by any person in the Home Defense Organized Reserve shall not be deemed to exempt such person from conscription for or assignment to service in any other branch of the Regular Army.

"SEC. 55j. PENSIONS, BOUNTIES, BONUSES, AND SO FORTH.—No member of the Home Defense Organized Reserve shall by reason of service therein be entitled to any pension, bounty, bonus, gratuity, or hospitalization, except for traumatic injuries incurred as a direct result of active service therein in time of war or national emergency."

77TH CONGRESS

2d SESSION

H. R. 6302

IN THE HOUSE OF REPRESENTATIVES

January 5, 1942

Mr. MAY introduced the following bill; which was referred to the Committee on Military Affairs

A BILL

To authorize the Secretary of War to make available, for the purposes of civilian defense, such arms, munitions, supplies, and equipment, *for instructional and demonstrational purposes only*, as can be spared by the War Department, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War may, in time of war or during any national emergency declared by Congress or by proclamation of the President, in his discretion and under such regulations as he may prescribe, lend, without cost of packing, handling, and transportation to the United States, for instructional and demonstrational purposes only, to the District of Columbia, the several States or Territories, the outlying possessions of the United States, including the Philippine Islands and all territory over which the United States exercises rights of sovereignty, or political subdivisions thereof, such arms, ammunition, munitions, or implements of war, supplies, equipment, component parts thereof, or accessories thereto, as may be in the possession or under the control of, and can be spared by the War Department.

77TH CONGRESS

2d SESSION

H. R. 6341

IN THE HOUSE OF REPRESENTATIVES

January 9, 1942

Mr. WELCH introduced the following bill; which was referred to the Committee on Military Affairs

A Bill

To authorize the organization and maintenance of home-guard forces within the States, Territories, Puerto Rico, and the Canal Zone.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act and during the present war and for six months thereafter, the organization by the maintenance within any State of such military forces (other than the National Guard) as may be provided by the laws of such State is hereby authorized.

SEC. 2. (a) Such military forces shall be under the supervision and direction of the War Department General Staff.

(b) All policies affecting the organization and distribution of, appointment to, and promotion in, training of, assignment to, and discharge from, such military forces shall be subject to the approval of the War Department General Staff.

(c) The President is authorized to assign officers and enlisted men of the Regular Army for duty with, or for the training of, any of such military forces.

(d) The commissioned officers of such military forces shall, with the approval of the War Department General Staff, be appointed by the Governor of the State concerned.

(e) The units of such military forces shall be composed of such number of officers and men voluntarily serving therein as the War Department General Staff shall deem necessary.

(f) The pay and allowances of the personnel of such military forces, while on duty or in active service, shall be prescribed by the War Department General Staff. No person shall be paid for his services as a member of any such military force at a rate in excess of the rate so prescribed.

SEC. 3. It shall be the duty of such military forces to—

(1) become fully informed with respect to all strategic points within their respective defense areas, such as oil and gas supplies, waterworks, manufacturing establishments, bridges, docks, airports, and tunnels, for the purpose of protecting such points from sabotage and enemy infiltration;

(2) become fully informed with respect to all roads, trails, railroads, and other lines of communication within their respective defense areas;

(3) become fully informed with respect to the topography of their respective defense areas, together with the significance thereof in relation to military operations;

(4) provide for and assist in the hospitalization and evacuation of the civilian population of their respective defense areas, in case such action is necessary;

(5) cooperate with the intelligence section of the Regular Army;

(6) perform such other duties in connection with home defense and to cooperate with the Regular Army in such manner as the War Department General Staff shall prescribe.

SEC. 4. (a) Such military forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States.

(b) No person shall, by reason of his membership in any of such military forces, be exempted from service in the land or naval forces of the United States.

SEC. 5. The Secretary of War is authorized, under such regulations as he may prescribe, to issue, from time to time, for the use of such military forces, to any State, upon requisition by the Governor thereof, such arms (including ammunition therefor) and equipment as may be in the possession of and can be spared by the War Department.

SEC. 6. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State having a unit of such military forces, organized and maintained pursuant to the provisions of this Act, for each quarter, beginning with the quarter commencing April 1, 1942, an amount equal to one-half of the total of the sums expended by such State during such quarter for the pay and allowances of the personnel of such military forces.

(b) For the purpose of aiding each State in the maintenance of units of such military forces, there are hereby authorized to be appropriated, for each fiscal year during the present war, such sums as may be necessary.

SEC. 7. During such time as any part of the National Guard of any such State is in active Federal service, the maintenance of troops by such State, other than as authorized by the provisions of this Act, is prohibited.

SEC. 8. Section 61 of the National Defense Act of June 3, 1916, as amended, is hereby repealed.

SEC. 9. As used in this Act, the term "State" includes, in addition to the several States and the District of Columbia, any Territory, Puerto Rico, and the Canal Zone.

77TH CONGRESS

1ST SESSION

S. 1936

IN THE SENATE OF THE UNITED STATES

October 2, 1941

Mr. REYNOLDS (by request) introduced the following bill; which was read twice and referred to the Committee on Military Affairs

A Bill

To provide protection of persons and property from bombing attacks in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary to enable the Director of Civilian Defense, appointed under authority of Executive Order Numbered 8757, dated May 20, 1941, to provide, under such regulations as the President may prescribe, facilities, supplies, and services to include research and development for the adequate protection of persons and property from bombing attacks in such localities in the United States, its Territories and possessions, as may be determined by said Director to be in need of, but unable to provide, such protection: *Provided,* That such facilities and supplies may be loaned to civil authorities in accordance with said regulations: *Provided further,* That any department or agency of the Federal Government having equipment or supplies not required for its use may, subject to the approval of the Division of Procurement, Treasury Department, transfer the same without charge (notwithstanding the provisions of the Act of December 20, 1928, 45 Stat. 1030) to the Director of Civilian Defense for the purpose herein authorized.

SEC. 2. It shall be unlawful for any person to wear a uniform, insignia, arm band, or other distinctive article prescribed by the Director of Civilian Defense except in accordance with the regulations promulgated under the authority of section 1 hereof. Any person found guilty of violating the provisions contained in this section shall, upon conviction, be fined not more than \$100 or imprisoned for not more than six months, or both.

MOTION TO PRINT IN JOURNAL

Mr. Maloney moved that the following communication be printed in the Journal:

Motion carried.

OFFICE OF THE MAYOR
SAN FRANCISCO, January 10, 1942

Honorable Thomas Maloney, State Senator
350 Missouri Street, San Francisco, California

MY DEAR SENATOR: Referring to my telephone conversation with you yesterday, Mr. Nelson Eckart, acting manager of public utilities, is in receipt of a letter from Lewis M. Means, Brigadier General, Commanding the Headquarters, 70th Infantry Brigade, advising that it will be necessary for us to replace the Army guards now protecting certain vital waterworks structures with other guards, either private, city or State, as it is necessary for them to remove the present Troops by January 12th, if possible, and not later than January 15th.

These Soldiers, totaling approximately 70, in addition to the supernumeraries, are stationed at some five points in San Francisco, four points in San Mateo County and two points in Alameda County. In addition to these Army guards, we now have on these properties, exclusive of the Hetch Hetchy Project, about 40 guards, in addition to a few of our regular employees temporarily serving in this

capacity. These municipally employed guards are being temporarily employed until some relief can be afforded, as it is not possible to maintain them indefinitely out of current revenues.

Any ways and means that you, as a Legislative Representative of the people of San Francisco, may be able to devise to assist us in adequately protecting these vital water properties will be deeply appreciated.

Thanking you for your kind interest and consideration in this matter, I am

Yours sincerely,

ANGELO J. ROSSI, Mayor

HEADQUARTERS SEVENTIETH INFANTRY BRIGADE
OFFICE OF THE BRIGADE COMMANDER, PRESIDIO OF SAN FRANCISCO
SAN FRANCISCO, CALIFORNIA, January 9, 1942

*Mr. N. A. Eckart, General Manager
San Francisco Water Department
425 Mason Street, San Francisco, California*

DEAR SIR: This will confirm the agreement that I had with you in your office yesterday morning which was that on the twelfth of January and not later than the fifteenth of January, you would make provisions to replace with other guards, either private, city or State all Federal troops now guarding installations owned by the San Francisco Water Department.

Thanking you for your patriotic cooperation, I am

Yours very truly,

LEWIS M. MEANS
Brigadier General, Commanding

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By NORMAN MELLER, Deputy

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to add Section 2.1429 to, and to amend Sections 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By NORMAN MELLER, Deputy

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 33: By Miss Miller—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the Public School System,

declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

Assembly Bill No. 34: By Miss Miller—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

Assembly Joint Resolution No. 14: By Mr. Del Mutolo—Relative to memorializing the Congress of the United States to enact pending legislation providing penalties for the theft of automobile tires, parts and accessories.

Referred to Committee on Rules.

NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 2 FROM COMMITTEE CONTINUED

Mr. Bashore moved that his notice of motion to withdraw Senate Bill No. 2 from committee be continued until the next legislative day.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 26—An act to add Sections 395.6 and 395.7 to the Military and Veterans Code, relating to reemployment and other privileges of members of the State Guard, declaring the urgency of this act and that it shall take immediate effect;

Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee;

Assembly Joint Resolution No. 8—Relative to memorializing the Social Security Administration to re-examine and readjust old age pension schedules; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of December, 1941, at 11.45 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, December 23, 1941

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 15—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-third day of December, 1941, at 4 p.m.

JOHN B. KNIGHT, Chairman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Robertson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Patrick J. Maher, Mayor of the City of Santa Barbara.

ADJOURNMENT

At 5.05 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Tuesday, January 13, 1942, out of respect to the memory of the late Congressman Lee E. Geyer.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SIXTH LEGISLATIVE DAY
TWENTY-SIXTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, January 13, 1942

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Milington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—73.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Del Mutolo.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 18

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

RESOLUTIONS

The following resolutions were offered:

By the Committee on Rules:

House Resolution No. 48

Resolved, That the following named persons be stricken from the list of Assembly attaches and their names be stricken from the pay roll of the Assembly, to take effect upon the completion of work on January 12, 1942:

	<i>Per day</i>
Richard Desmond, Page-----	\$2 50
Roy Crocker, Assistant Sergeant-at-Arms-----	5 00

LYON, Chairman
Committee on Rules

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 48, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dickey, Donnelly, Doyle, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Potter, Richie, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

NOES—None.

By the Committee on Rules:

House Resolution No. 49

MR. SPEAKER: Your Committee on Rules respectfully begs to report that it has carefully considered the applications for the various positions, and desires to submit the following resolution:

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants in favor of the said persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

<i>Commencing Monday, January 12, 1942:</i>	<i>Per day</i>
Carroll Dudley, Assistant Clerk-----	\$7 00
<i>Commencing Tuesday, January 13, 1942:</i>	
Richard Desmond, Assistant Sergeant-at-Arms-----	5 00
Roy Crocker, Page-----	2 50

Resolved, further, That the compensation of the above named attaches shall be on a seven-day per week basis.

LYON, Chairman
Committee on Rules

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 49, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dickey, Donnelly, Doyle, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Potter, Richie, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—None.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled,

"An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Fred Weybret.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 35: By Mr. Weybret—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

MOTION TO APPROVE JOURNALS

On motion of Mr. Lyon, the Assembly Journals for Friday, December 19, 1941; Saturday, December 20, 1941; Sunday, December 21, 1941, and Monday, December 22, 1941, were approved as corrected by the Minute Clerk.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Earl D. Desmond, Assembly Chamber
State Capitol, Sacramento, California*

DEAR MR. DESMOND: This is to report that in our opinion a bill entitled

"An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately"

making an appropriation of \$3,894,643 out of the State Treasury "for expenditure for the support of the Division of Forestry of the Department of Natural Resources during the Ninety-third and Ninety-fourth Fiscal Years as prescribed by this act" is within the scope of the Proclamation by which the Legislature was convened commencing December 19, 1941, the bill being on a subject specified in said Proclamation.

Yours very truly,

FRED B. WOOD, Legislative Counsel

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 36: By Messrs. Desmond, Clarke, Turner, Milington, McCollister, Johnson, Thurman, Burns, Michael J., Weybret,

Garland and Call—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

COMMUNICATIONS

A communication from M. L. Hubbard, adjutant of the San Francisco County Council, Veterans of Foreign Wars, relative to the State Guard, was received, and ordered filed with the Secretary of State.

RECESS

At 10.42 a.m., on motion of Mr. Lyon, the Assembly recessed until 11.05 a.m.

REASSEMBLED

At 11.05 a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 13

Assembly Joint Resolution No. 14

Assembly Joint Resolution No. 11

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 34

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

LYON, Chairman

Above reported bill ordered to second reading.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, January 12, 1942

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to amend Sections 553.1, 555, and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Gordon H. Garland.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bill was introduced, and read the first time:

Assembly Bill No. 37: By Messrs. Lyon, Call, Clarke, Desmond, Johnson, Millington and Voigt (For the Joint Committee on Defense)—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 50

Commending Interstate Commerce Commissioner John L. Rodgers, Coordinator of Civilian Motor Transportation, Western Defense Command

WHEREAS, The Honorable John L. Rodgers, Interstate Commerce Commissioner, has been appointed Coordinator of Civilian Motor Transportation for the Western Defense Command, for the purpose of coordinating motor transport during the present emergency and of establishing such facilities as will insure that all non-Military motor transportation required by the Western Defense Army Command will be furnished; and

WHEREAS, The successful functioning of such a plan calls for the fullest cooperation of the automotive industry with the Military and civil authorities and the public; now, therefore, be it

Resolved by the Assembly of the State of California, That this body hereby expresses its appreciation to the Honorable John L. Rodgers for visiting the Pacific Coast during this period of emergency in order to coordinate motor transportation; and be it further

Resolved, That this Assembly likewise desires to thank the motor transportation industry for the spirit of helpfulness and cooperation with which they have welcomed the Civilian Motor Transportation Coordinator; and be it further

Resolved, That copies of this resolution suitably engrossed be transmitted by the Chief Clerk of the Assembly to Honorable John L. Rodgers, and a copy of this resolution be transmitted to the President of the United States, and to each member of the Interstate Commerce Commission.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 50, at this time, without reference to committee.

Resolution read and adopted unanimously.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old-age assistance.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 13—Relative to memorializing Congress to amend the Social Security Act to permit recipients of old age assistance to engage in gainful employment without reduction in amount of old age assistance.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 14—Relative to memorializing the Congress of the United States to enact pending legislation providing penalties for the theft of automobile tires, parts and accessories.

Resolution read, and ordered engrossed.

MOTION TO PRINT IN JOURNAL

Mr. Crowley moved that the following communication be ordered printed in the Journal:

Motion carried.

WINTERS, CALIFORNIA, January 3, 1942

*Assemblyman Crowley,
State Capitol, Sacramento, California*

DEAR SIR: As a tax-paying fruit grower in Northern Solano County, and on behalf of others in the same field, I wish to make an emergency request of you.

This emergency is the presence of an agricultural labor shortage and the prospects of a still more acute situation for our harvest needs.

We ask of you, as one of our representatives called to the special session of the Legislature—

First, that you call to the attention of the session, the dire need for immediate attention to the agricultural labor shortage; and

Second, we urge that you also act upon same, whereby the agricultural needs of the State can be met.

We have confidence that you will take this request in hand and take action upon same immediately.

Very truly yours,

WEAVER GADDINI
NORMAN GADDINI

MOTION TO PRINT IN JOURNAL

Mr. Salsman moved that the following remarks by Mr. Tenney be ordered printed in the Journal.

Motion carried.

Address of Assemblyman Jack B. Tenney Before the Southwestern Luncheon Club, January 8, 1942

Chairman Judge Ben Brown, distinguished guests, and my friends of the Southwestern Luncheon Club:

It is always a real pleasure for me to attend your monthly meetings. Whether I happen to be the principal speaker or just one of the boys listening to a *good* speaker, makes no difference. It is a genuine pleasure to gather with you—to again enjoy the fine hospitality of Fred Harlow and the good fellowship that always characterizes meetings of this club. I regret that my duties keep me away so frequently. In these troublesome times it is important that we forget, occasionally, that we are Republicans and Democrats and what-not, and just remember that we are *Americans*—united in one great purpose in times like these—the preservation of our Country, its democratic institutions, its Constitution and its great traditions—and our *American* way of life. The members of the Southwestern Luncheon Club—you, gentlemen—have always maintained this splendid spirit of nonpartisan-ship in these gatherings.

When last I addressed you we were still a Nation at peace. Although the clouds of war surrounded us on every horizon we were still leisurely pursuing our businesses and our pleasures without too great a concern as to what happened in Europe, in Africa or in Asia. Then came December 7th with yellow treachery in the Pacific—*Pearl Harbor!* Today, we are at war! Our Country is in peril. We have been attacked by an unscrupulous enemy—shamelessly attacked—attacked,

while the envoys of Japan and the officials of our own Country sat in Washington discussing the ways and means of keeping the peace in the Pacific. American soil has been defiled and desecrated by invasion—American boys have been murdered. We are at war! And, gentlemen, it isn't for marbles—and it is for *keeps*!

No one questions the ultimate outcome. America has never lost a war. Hitler will be crushed. Mussolini will be crushed. Japan will be crushed. The arms of the United States will ultimately triumph as they have triumphed throughout our history. The only question that seriously confronts us—if we may dare speak of it at this time—is winning the *peace*. I desire to speak to you of that question a little later; I wish to present a few facts in this connection for your thoughtful consideration. I sincerely believe—if we are to win the peace after we win the war—that we must start fighting for the peace NOW, *while* we are fighting to win the war.

This morning, the mayor and some of the councilmen of Redondo Beach personally conducted me on a tour of inspection along Redondo's coast line. They wanted me, as their Representative in the State Legislature, to see first hand the problems confronting the City of Redondo Beach now urgently pressing because of the war emergency. Most of my time since the outbreak of hostilities has been spent in these matters and I assure you that the problems appear to be many. Our municipalities and our counties are all concerned over increased expenditures for war outlays; expenditures for increased man power in law enforcement agencies and in fire-fighting personnel—for fire-fighting equipment and the many other sundry and varied expenditures necessary for the protection of communities situated in a combat zone. Municipalities, like Redondo Beach, can not finance these unexpected, unbudgeted and additional demands and, consequently, turn to the State Government for assistance. I introduced a bill in the first part of our recent extraordinary session of the Legislature calling for an appropriation of an amount to be later determined, for the purpose of financing fire-fighting equipment to be furnished cities and counties. Several similar bills were introduced by other Members of the Legislature. My bill is Assembly Bill No. 22 of the present extra session. The provisions of the bill, I felt, were an obligation of the State to cities and counties directly in the now established combat zone. Our Legislative Counsel at Sacramento believed, at the time I introduced Assembly Bill No. 22 that its subject-matter was within the call of the Governor. The Legislative Counsel Bureau has since reversed itself, however, and we are now told that we can not act on these matters unless the Governor sees fit to include them in a new call of the Legislature. I am glad to have this opportunity to convey this information to you, as many of you have been laboring under the impression that these particular problems were now in the hands of your Legislative Representatives at Sacramento.

The Governor called the Legislature into extraordinary session December 19th. We were asked to make an appropriation for the State Guard and an appropriation for the Governor's Emergency Fund—some \$37,000,000 in the first instance, and around \$10,000,000 in the second. Amounts necessary to support the State Guard varied—"no one can blue-print a war" became a stock answer on this topic. The Governor finally suggested the sum of \$17,000,000. Several schools of thought rapidly developed on the subject. One group held that the State should be just as "all-out" as the United States; that the Legislature should immediately appropriate any amount necessary to fully equip and maintain a force of 26,000 men under arms for a period of one year—and were willing to write blank checks for the Governor's Emergency Fund. Another group held that Military forces should, and would, be supplied by the Federal Government and that it was not the duty of the State of California to establish any considerable Military force and to maintain it with appropriations running into the millions. To clarify my position, I will say that I was, and am, for a State Guard. The Federal Congress had authorized the several States to create such a force to take the place of the National Guard, now called to regular service with the armed forces of the United States. Pursuant to this authorization the California State Legislature had created the California State Guard back in 1940—it was, and is, on our Statute Books. It seems only logical to me that the Legislature should now stand behind the organization it has brought into being. I want to say right now that I am firmly convinced that the Legislature *will* stand behind the State Guard.

The State Guard is one of the finest spirited groups of men that I have ever known. Since its inception the men and officers have completely financed themselves, buying their own uniforms and equipment. They have given freely of their own time, drilling and sweating, while most of us went about our personal pleasures and our business pursuits. Neither the men nor the officers have received any compensation for their efforts. Some 96 per cent of the officer personnel is composed of ex-service men—veterans of World War Number One. Over 60 per cent of the enlisted personnel is composed of ex-service men. Up to just recently the greater part of these men and officers were exempt from Federal selective service and they wanted to do what they could to serve their State and their Nation. They are

willing to defend the borders of the State of California and to lay down their lives in the doing of it if it be necessary. They exemplify the spirit of our Country's best tradition and California may well be proud of them.

The Members of the Legislature—and I am not making any exceptions—are patriotic citizens doing their level best to represent the people of their districts—to do the best thing possible for the welfare of the State of California and the Nation. The present personnel of the California Legislature has proved its far-sightedness in many matters. Though I disagree vehemently with many of the Members from time to time on matters pending before us, I have learned that their motives are usually the same as my own—that each Member is looking only to what he believes is best for the greatest numbers of our people. I sincerely believe that this is true of the great majority of our public officials—whether they act as councilmen in a small community or sit in the Senate of the United States. This is most particularly true in times such as these when the safety and the preservation of our Nation perhaps hangs in the balance. My experience, as a Legislator, has taught me that on occasions I have been wrong and I have learned that, on occasion, my opposing Colleague was right. This is democracy. In times of peace it doesn't make too much difference if we are wrong part of the time. We have time to correct mistakes. During times of war, however, we can not indulge in the luxury of making mistakes, because we may never have an opportunity to correct them. So, you may have full confidence in your Legislature. It does not intend to make mistakes in times such as these. An appropriation of \$1,000,000 was passed by both houses, augmenting the Governor's Emergency Fund, which still totaled some \$700,000. Half of the \$1,000,000 appropriated was earmarked for the maintenance of the State Guard. A Committee of 22 Senators and Assemblymen was created to study the situation and the Legislature then recessed to reconvene again January 12th—next Monday. When we reassemble we will hear the report of the committee and proceed to do the job demanded by the people and the circumstances confronting us. Senator Kenny of Los Angeles County and Speaker Gordon Garland of the Assembly have been in Washington, and they will report to the Legislature the part the Federal Government intends to play in the present problems before us in California because of the war.

As most of you know, I have headed the Fact-Finding Committee on Un-American Activities in California since early in 1941. I have made reports to you from time to time on the work of the committee. Speaker Gordon Garland has given me fine men on this committee. Assemblyman James Phillips of Oakland, who served with me before, is one of the members of the present committee. Assemblyman Hugh M. Burns of Fresno, Assemblyman Nelson Dilworth of Hemet, and Assemblyman Jesse Kellems of Bel-Air are the other members. They are a sincere, hard-working group of committeemen and if our work has met with your approval the credit should go to Speaker Garland for his excellent selections and to these Colleagues of mine.

Many of you will recall our hearings in Los Angeles last October when we inquired into the activities of the German American Bund and into the activities of such individuals as Robert Noble and organizations such as the National Copperheads and the America First Committee. The Federal Bureau of Investigation made a number of arrests of people who had appeared before our committee, shortly after the attack on Pearl Harbor. As far as we know these individuals have since been released and I am now told that they will not be prosecuted.

We had just completed a series of hearings in San Francisco when war came. Some of the things revealed in the San Francisco hearings had shocked the entire State, and during the taking of testimony in that week before Japan's dastardly attack on Hawaii, we—the members of the committee, accustomed as we were to the dark machinations of the subversive and treacherous groups we were studying—were amazed and alarmed, indeed, because things we *knew* couldn't happen *here* were actually happening *here*! Then came the war—and with it *strange bedfellows*! We were confronted with a very serious question when we reflected on these bedfellows. Our National Government, through its proper agencies, would immediately take over most of the Axis enemies within our borders and continue to run them to earth. Of this we felt certain. What, we asked ourselves, would happen to the American Communists—enemies of America, working just as hard as ever before for the overthrow of our form of government and for the establishment of a dictatorship in the United States? Russia—Red, Communist Russia is an ally of the United States! Although highly significant that Russia was not, and *still* is not, fighting Japan, and that a non-aggression pact exists between them apparently insuring continued friendly relations—it remains that Russia is fighting Germany and Hitler—the chief enemy after all—at least for the moment—of our Country. While Russia, the home and fatherland of Communism is actually fighting Hitler it is also a fact that American Communists continue and *will* continue, under the camouflage of the Communist Party line-slogan "National Unity" to undermine and destroy the Democracy and the Constitution for which we are fighting. An attack—or a continued attack upon the activities of the American Communists, therefore, appears—and the Communists see to it that it *does* appear—

to be an attack upon "National Unity"—and places a stigma upon those who dare to criticize these American agents of Stalin. Regardless of the consequences—regardless of the subtle propaganda of the Communist party itself, the members of the committee of which I have the honor to head, decided to go ahead with the investigation. The Legislature—the Assembly—incidentally, passed a resolution in December commending the committee and expressing a desire that the committee continue with its work. I will speak a little later on this peculiar situation concerning Communism and the United States in relation to the war.

For many months the committee's investigators had gathered information concerning the Fascist activities in and around San Francisco. The committee, in executive session, set December 1st of 1941 as the date for the public hearings in San Francisco. Just before leaving for San Francisco I read of the action of the Parole Board in paroling certain men known as King, Conner and Ramsay. These men had been convicted of murder and had served but four years and seven months of what was to have been a 20-year term in San Quentin Prison. I knew very little about the case. My interest was aroused by a statement made by Attorney General Earl Warren concerning the action of the Parole Board. The Attorney General charged in substance that the parole of the men had been accomplished through Communist influence and pressure. If the statement of the Attorney General was true, certainly the matter fell squarely within the jurisdiction of the Fact-Finding Committee on Un-American Activities. I could briefly summarize the entire matter by stating that the Attorney General's statement was true in every respect and was amply corroborated by the testimony adduced before our committee in San Francisco.

Earl King headed one of San Francisco's waterfront unions. The evidence before us left no doubt in our minds as to King's Communist Party affiliation. He was seen frequently at the Communist Party headquarters in San Francisco. And he apparently had ambitions of setting himself up as the Red Commissar of San Francisco's waterfront.

Chief Engineer George Alberts of the ship *Point Lobos* was an avowed enemy of Communism and all that Communism stands for. Perhaps he was too outspoken in his opinions concerning it, its members and its leaders. Some of us have had the courage to make that mistake—if it is a mistake. George Alberts fought Communism wherever he found it—on board ship, on the shore and in the labor unions connected with ships and shipping. Everything that we have learned about young Alberts—he was only about 36 or 37 when the assassins struck him down—indicates that he was able, courageous and strong in his convictions. He had a wife and children—and he was leaving them again for the sea on the ship *Point Lobos*.

It is important for you to know that the union headed by Earl King was not engaged in any dispute with the *Point Lobos* or with the company that owned it. There was no labor dispute of any kind. There were no pickets walking up and down in front of the gangplank of the *Point Lobos*. There is not a single shred of evidence to indicate any legitimate labor difficulty. There was some averment of a man being fired—that is about as close to a labor dispute as they could come. So the labor angle of the case is out completely.

Several days before the *Point Lobos* sailed a man came to see George Alberts and told him that he had heard from authoritative sources on the waterfront that—translating the slang of the sea—Alberts was to be killed. The chief engineer laughed at the man and refused to take him seriously. In desperation the man, alarmed at what he knew, sought the captain of the *Point Lobos* and told him that the life of his chief engineer was in peril. Nothing was done about it; apparently no one took it seriously. The man who warned Alberts told the committee about it—*under oath!*

Frank Conner, E. G. Ramsay, George Wallace, a man known as "Wimpy" Sakovitz and some unidentified seamen met in Earl King's office at the union headquarters. King gave them their instructions and secured money for them from the secretary of the union—a man named Murphy. The janitor of the building secured at least one weapon for the party. The chairman of the Parole Board—Mr. Goodman—averred in his unprecedented "opinion"—or apology—for the board's action in paroling the men, that it was clear that the men only intended to commit a "simple assault"—that they just intended to beat Alberts up a bit.

The *Point Lobos* was ready to sail. King's picked men attempted to waylay Alberts Saturday, March 21, 1936. They were unsuccessful but decided to try again the next day. The following day was Sunday—March 22, 1936. Alberts entered his cabin, laid his cap on the pillow of his bunk, and removed his coat, preparing, perhaps, to change to more sea-going clothes. Conner had stationed himself at a concealed spot in the corridor which led to Alberts' cabin. At Conner's signal Sakovitz—and perhaps some of the unidentified seamen—moved stealthily down the passageway and quickly entered Alberts' cabin. The door was closed and no doubt Conner heard the muffled blows and the thud of heavy bodies that attends a deadly conflict. Wallace declared afterwards that he heard sounds like "Ugh, ugh, ugh." Within a few moments Sakovitz emerged with blood on his hands and crept hurriedly down the passageway, telling Wallace "you had better beat it." The deed

was done. Alberts lay dead on the floor of his tiny cabin in a pool of his own blood. Another threat to Red Communist domination on San Francisco's waterfront was liquidated.

We saw and studied the pictures of Alberts' cabin taken but a few minutes after King's goons had committed their "simple assault." We saw and reluctantly studied the pictures of Alberts' mutilated body and heard the report of the physicians who scientifically—in cold, impartial professional language—told of the wounds found upon the dead engineer's body and the cause of his death. I have never heard of a more cold blooded, ruthless and unwarranted slaying of a human being. A hard and telling blow with a metal instrument had crushed the flesh from the back of Alberts' head. The pictures revealed hard and heavy blows behind each of the engineer's ears. A knife had been thrust into his neck, his chest and shoulders. A powerful thrust carried the blade of a knife through both walls of Alberts' abdomen. And as if this were not enough, the knife was thrust with terrific force into Alberts' thigh, in the rear, just below the buttocks and then ripped downward toward the knee-joint some nine and a half inches, severing the leg's great artery. Alberts must have bled to death in a very short time. This type of thing, gentlemen, is the result of what some people have termed "intent to commit a simple assault."

Shortly after the commission of this revolting crime, several Communist comrades made an appearance before the campus branch of the Communist Party in Berkeley. They announced that two of the "comrades" were in difficulty; that they were about to be "framed," and that they must be hidden until money could be raised to finance their escape from California. A place of concealment was immediately found in the home of one of the campus branch members. Wallace and Sakovitz proved to be the "comrades" in difficulty. This, gentlemen, is from the testimony of a man who was a Communist at the time, and who was present at the meeting of the campus branch of the Communist Party I have just referred to.

Wallace and Sakovitz went to New York City. Sakovitz had the proper Communist connections in New York and visas, credentials and passage was secured for him and he sailed for the Red Fatherland—Russia. Wallace was left stranded—high and dry. He dared not look for work under his own name—and he could not look for work under an assumed name because of the union. He desperately attempted to contact King in San Francisco for assistance. Failing to hear from King he finally resolved to return to San Francisco. King was not in the city when he arrived. He saw Murphy, the secretary and treasurer of the union. Wallace was not a Communist apparently, but the San Francisco Communists undoubtedly felt that they must help him in order to protect the others. They got rid of Wallace as quickly as possible and hoped to ship him off to Russia. He returned to San Francisco a second time, and a Lawrence Ross—then the editor of the Western Worker, the official organ of the Communist Party on the West Coast at that time (now the People's Daily World) met with Wallace. A forged union book in the name of "George White" was secured for Wallace from Murphy, the secretary or assistant secretary and treasurer of the union, and funds were furnished for him. He was advised to escape into Mexico. He apparently made several unsuccessful attempts through Juarez. He frantically made further attempts to contact King in San Francisco, writing under the name of "White" and addressing his communications through Murphy using an assumed name for Murphy. One of Wallace's letters found its way into the hands of the District Attorney of Alameda County, in which he stated that he was going to Brownsville, Texas and that he would attempt to cross into Mexico from that point. He begged for assistance and directed that he be communicated with through general delivery at Brownsville. The officers from Alameda County were waiting for him when he entered the post office expecting to hear from King.

A jury of 12 citizens of Alameda County found King, Conner, Ramsay and Wallace guilty of murder. Sakovitz was safe—far away under the protection of the Kremlin in Moscow. Wallace confessed and thereby won the undying hatred of the Communists. Conner also confessed, but later attempted to repudiate his confession. Aubrey Grossman and Herbert Resner were defense attorneys for King, Conner and Ramsay. We have overwhelming evidence that both Grossman and Resner are members of the Communist Party. Another defense attorney was George Anderson, the official counsel for the Communist Party in California. The case threaded its way through our appellate courts all the way to the Supreme Court and the decision of the trial court was confirmed all the way.

Probably it was Sakovitz who struck the engineer down. He had blood on his hands when he left Alberts' cabin. But each was just as guilty under the law as the assassin who struck the fatal blow. I have but very briefly sketched to you the salient facts as they were unfolded before the committee. There are many, many other details, uncontroverted, that I can not take the time here to relate to you. I have read the opinion and the decision of the district court of appeal handed down in January of 1939 on the case, since our committee went into the matter in San Francisco. Because Mr. Goodman, chairman of the Parole Board has attempted to over-rule the highest courts in California with what he has termed merely an

"intent to commit a simple assault," I wish to read to you a couple of paragraphs from the opinion of the appellate court (85 Pac. (2d) 937) :

"In the present case there is presented no question of death resulting from the commission of a simple assault or occurring in the commission of a misdemeanor. There is here a death resulting from the use of a deadly weapon which the appellants say they never intended. Such weapon was, however, actually used, and by one who joined with them in the plan to beat up the deceased, which plan they counseled. The question is whether the use of such a deadly weapon upon the person of Alberts and his resulting death was a natural or probable consequence of the plan or agreement among the actual assailants and for which the appellants may be held liable, two of them, Ramsay and King, not being present.

The character of the plan is of great importance. Here, several men set out to beat up another. In the words of King, he 'sent them over to tamp the chief.' Preparations were made for trouble. It was known that he was vigorous and strong. One, at least, prior to setting out on the expedition, equipped himself with a bludgeon. At the scene of the expected trouble others were asked to stand by. Not being able to get at the victim the first day, the majority returned the second day and proceeded to the victim's place of abode aboard ship. They prepared and were prepared, to meet force with force and to overcome resistance at any cost. The natural and probable consequence of such an undertaking is homicide, and the homicide here committed by one of the conspirators is nothing less than murder. All who combined to commit the unlawful act of violence are equally guilty. The law makes no distinction between them and each is responsible for the act of any other of the party in the prosecution of the original design. All joining in the enterprise are as guilty of murder as the person who actually caused the death."

It is hard to attack the logic of the court in this opinion and no one has ever attempted to do so before in the many, many similar cases scattered throughout California's high court decisions. Why has it been done in this case?

The answer is simple. We are told—under oath—that before the Grand Jury of Alameda County brought in an indictment, the *Western Worker*—and remember, Mr. Lawrence Ross, whom I have heretofore referred to, was the editor of that Communist sheet—was crying "frame-up!" Remember too, that Conner had confessed—though he later attempted to repudiate his testimony. Scarcely had the ink dried on the decision, a portion of which I have just read here, than a spectacular hearing was held by the Advisory Pardon Board in Sacramento—at which Harry Bridges attended—and an attempt was made to recommend a pardon for King, Conner and Ramsay. Why was Wallace excluded? He was also a member of the union. The union had gone far in attempting to help him before—they had "phoneyed"—as they called it—a union book for him—and King, at one time, had managed the dues stamps in the "phoneyed" book for Wallace. No attempted recommendation by the Advisory Pardon Board is on record for Wallace.

A defense committee was set up for King, Conner and Ramsay. A drive for funds was launched throughout California labor unions by the committee. Union men do not have the opportunity and the time to investigate all of the drives launched for funds in the name of labor. It was said that "King, Conner and Ramsay had been framed by the employers"—framed because they were outstanding and effective champions of labor. Union men had never heard of King, Conner and Ramsay before—and probably very few of them have ever heard of Wallace.

Many of you will recall that I introduced a bill in the Assembly in 1940 outlawing the Communist Party as a political party in the State of California. The bill passed both houses and the Governor signed it. Shortly thereafter Anita Whitney, a self avowed Communist, went on the radio and condemned the Governor and everyone concerned for having removed the hammer and sickle from California ballots. Shortly after that, we are told, the Governor visited King, Conner and Ramsay at San Quentin Prison. He later stated that he believed the men had served long enough for the crime they were alleged to have committed. He later stated that he could find no evidence that the men had been "framed." About three months ago, Mr. Goodman was appointed to the Parole Board and became its chairman. One of the members of the board accused a man of having offered him a bribe to vote for the parole of the murderers and this Parole Board member had the man accused indicted and tried for the crime of attempted bribery of a public official. The man was acquitted. Shortly thereafter this same Parole Board member, who declared an attempt had been made to bribe him to do this very thing, voted to parole King, Conner and Ramsay.

We have checked the issues of the Communist Party newspaper, the *Western Worker*; we have followed the story through the pages of the present Communist Party organ, the *People's Daily World*. There is only one answer—one solution to this unprecedented act on the part of the Parole Board—and that is, *Communist influence and pressure*.

The Parole Board set the sentence of these men at 20 years. I understand that this means a minimum term of around 12 years—with full time off for good behavior. Wallace is still in prison. King, Conner and Ramsay are paroled.

We saw and talked to Wallace in San Quentin Prison. He told us that one of Harry Bridges's henchmen—long time for cutting a man—attempted to stab him. He told us he was in fear of his life—that the Communist inmates behind San Quentin's gray walls had vowed to get him. George Bodle, a Los Angeles attorney, called on Wallace at San Quentin one day. Wallace told us: Bodle promised to get him a "defense committee" if he would change his story and stop his attacks upon the Communists—but Wallace told us that he refused. He is the forgotten man in this case. I say—and I know that you say—that if King, Conner and Ramsay should be freed, then so should Wallace. Oh, the Communists gave Wallace many chances—but there was always a catch in them. He must stop attacking the Communists—he must stop saying King, Conner, Ramsay and the rest were Communists. They offered him \$5,000 during his trial and promised him a lawyer—but they, not Wallace, must select the lawyer. Wallace is still in prison. He hasn't any Communist friends—and he is a menace to Communism. King, Conner and Ramsay are free to walk the streets of San Francisco and to recruit members for the Communist Party on the waterfront. These men served less than five years for murdering a man. We were told that there are men serving 10 and 15 years behind the walls of San Quentin for merely forging a check.

If any one is seriously contemplating committing murder in California, it is advisable to first join the Communist Party. Get a labor angle on the crime, and the Comrades will take care of the rest. A crime in the name of Communism is a virtue to the Communists. Communism—so say its followers *themselves*—is war! Communists everywhere, are told that they must adopt the ethics of war and its necessities. I charge that King, Conner and Ramsay are free today, merely because they are Communists, carrying out Communist strategy, and because California Communists have influence in California's Government!

I have said that Communism is war. To understand this, gentlemen—please let it sink in a moment. The Communists will tell you that the struggle between capital and labor is *class war*. They have signed a declaration of war on every institution and individual whom they consider "Allies of capitalism." This includes industries employing wage labor, educational institutions, churches, and all functions of Government, municipal, State and National. It particularly includes the democracies—because in their war against the State in *any form*—and they term *all States* as instruments of capitalism and exploitation of the workers—they say that democracy is just another *form*. Because the Communist lives in a state of declared war, its members are ordered to discard all of the ways of peace. They consider themselves spies in a hostile country, waging a desperate warfare with their bare hands, their wits—spies in the land of the enemy—secret agents living in constant jeopardy. They say: "Certainly we kill, but so do all soldiers in battle." They consider themselves in continuous battle. They admit that they lie; that they commit perjury. They rationalize their conduct by asking: "Do capitalist presidents, premiers and diplomats hesitate to lie and commit perjury? Certainly not—if it furthers their country's cause." They will point out that when in the toils of enemy courts that all spies and secret agents lie and commit perjury. They are constantly in the toils of the capitalist courts and it is proper for them to lie and to commit perjury and to fool the enemy. It is their duty to the Fatherland—to Red Russia. They could tell you—if you were one of them—that they bore into every possible organization; that it is part of their general plan to place their key people in labor, in industry and in government. They back and justify their actions by pointing out that their activities are quite orthodox. Isn't that the way Hitler captured most of Europe and isn't that what he is doing in Mexico and in South America? They say they are using the approved methods of the capitalist nations they seek to destroy.

When you speak of the Hitler-Stalin Pact they grin behind your back. Certainly, they boast in their secret councils, we join forces with our enemies when it suits our general strategy. In this manner are enemies more easily destroyed. If their enemies are sentimentally honest about these agreements—so much the better. They are that much easier destroyed. Fascists, crooks, corruptionists—yes, and even Nazis, are made to order for the Communist strategy. Enemies are more easily reached when one works on the inside with them. They point out great examples among the capitalist nations. Take the United States, for instance, they would tell us. Hasn't this great democracy joined up with Stalin in order to "whip Hitler?" And isn't it true that the United States really despises Stalin and all that he stands for? And the Communist knows, gentlemen—better than any of us—how much Stalin hates the United States and Great Britain. And they also know that once Hitler is "whipped"—that the United States must either accept Communism or destroy Stalin. If you have any doubt in your minds about this, please remember that the slogan of the Communist Party is "No compromise."

Yesterday it suited Stalin and the Communists to join hands with Hitler—to give Hitler an opportunity to dominate western Europe. They invaded Finland

and crushed the independence of the Baltic States. They partitioned Poland with their Nazi partner. Meanwhile the American Communist, carrying out Moscow strategy, attacked the President of the United States as a warmonger and joined hands in America with the agents of Fascism and Naziism and the America Firsters. When Hitler double-crossed Stalin before Stalin found the proper moment to double-cross Hitler, the American Communists changed over night and have now become loyal and patriotic American citizens—in the People's World. But they have their fingers crossed. They will remain loyal American citizens only so long as this deceit suits their military plans for our eventual destruction.

Please permit me to say that I am 100 per cent behind the President—that I am firmly convinced that we must utilize every individual and every weapon that is available for use against Hitler. I will even bow—at this time—to Communist logic. We must use Stalin as long as he fights Naziism. But I am thinking of tomorrow—that tomorrow that will come just as sure as we are here today—that tomorrow when Hitler is crushed and Japan is crushed and our Country is again victorious. I am thinking of perhaps eight or ten million American soldiers being demobilized. I am thinking of the closing down of our war industries. I am thinking of wide-spread unemployment. I am thinking of a staggering National debt. And gentlemen, believe me—the Communists are thinking about all of these things. They are now placing new and unknown Comrades into key positions in labor, industry, Government and into civilian defense set-ups, into the Army and into the Navy. They expect an economic collapse in America. They expect uprisings in Europe. They expect and are preparing for a Sovietized Europe. They will demand a Sovietized America.

Before Hitler goes under, the Communists have prepared for and will bring about uprisings in Nazi dominated Europe. Before a Peace Conference is ever called, they expect Soviet Governments in France, in Germany and in the Balkans. There will be nothing for America and England to discuss. It will be all over in Europe. The people of that unfortunate continent will have exchanged the Nazi dictator for the Communist dictator—Stalin! And the agents of the Kremlin will be busy in England and in America. The Kings, Connors and Ramsays and their Comrades may be reporting to Moscow that the situation is well in hand in California.

There is much to be done as we fight to win this war. American men and women should never again go hungry in this Country; American men and boys should never again wearily tramp the streets in search of work that can not be found. We will have to take care of these things, not only because it is the stuff on which Communism feeds, but because we can do the job. I believe that this economic job can only be accomplished in a democracy. We can and will do what is necessary to be done.

I hope that we will not be too late to do something about Communism. We may stamp out the pestilence that is Germany, Italy and Japan, only to find that we have built a Frankenstein—a Red, leering, Oriental monster named Stalin—who will desire to rule the world.

We will win the war! Let us also resolve to win the *peace*!

RECESS

At 12.03 p.m., on motion of Mr. Lyon, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT

Mr. Desmond asked for unanimous consent to consider Assembly Bill No. 36, at this time.

Unanimous Consent Withheld

Mr. Bashore withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Mr. Desmond moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 36, at this time.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 3.07 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY
DISPENSED WITH ON MOTION TO SUSPEND RULES**

At 3.20 p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 3.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY
DISPENSED WITH ON MOTION TO SUSPEND RULES**

At 3.26 p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the Rules were temporarily suspended by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Diekey, Dilworth, Doyle, Evans, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Knight, John B., Knight, T., Fenton, Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Poulson, Salsman, Sawallisch, Stream, Tenney, Therp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—49.

NOES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Del Mutoio, Dills, Donnelly, Gaffney, Gundock, Hawkins, Kilpatrick, King, Lowrey, Mason, Meahan, O'Day, Potter, Richie, Robertson, Russell, and Thomas—23.

CONSIDERATION OF ASSEMBLY BILL NO. 36

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read.

Motion for Committee of the Whole

Mr. Desmond moved that the Assembly resolve itself into a Committee of the Whole for the purpose of hearing arguments on Assembly Bill No. 36, with understanding that final action be held in abeyance until Wednesday.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Gordon H. Garland presiding.

Speakers in Committee of Whole on Assembly Bill No. 36

1. Raymond Clar, Chief Deputy State Forester, Division of Forestry, Department of Natural Resources.

2. James Mace, Deputy State Forester.
3. Ralph Williams, State Council of Defense.
4. Roland Vandegrift, Legislative Budget Adviser.

On motion of Mr. Desmond, the committee did arise, and report back to the Assembly.

IN ASSEMBLY

Speaker Gordon H. Garland presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 34

Assembly Joint Resolution No. 11

Assembly Joint Resolution No. 13

Assembly Joint Resolution No. 14

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Pfaff moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, strike out "or other utility", and insert "electric railway, motor bus company, or other utility, or any National defense industry,".

Amendment read and adopted.

Bill ordered reprinted, and re-engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

Above reported resolution ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 33

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

LYON, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 20, of the printed measure, before the semicolon, insert "and Sections 1390 to 1394 of the Labor Code and Sections 1.170 to 1.184 of the School Code provide for the conditions under, and the hours during, which minors may be employed".

Amendment No. 2

On page 2, line 5, of the printed measure, before the semicolon, insert "and with respect to the conditions under, and the hours during, which minors may be employed".

Amendments read and adopted.

Resolution ordered reprinted, and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.931, 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1 of the printed bill, strike out lines 21 to 23, inclusive, and insert "for, or for persons evacuated from such district by order of any Military officer of the United States or the State of California to meet an emergency created by war, or of any civil".

Amendment No. 2

On page 2, line 1, of the printed bill, after "evacuation", insert "to meet an emergency created by war".

Amendment No. 3

On page 2 of the printed bill, strike out lines 12 to 14, inclusive, and insert "existing epidemic, or by any order of any Military officer of the United States or the State of California to meet an emergency created by war, or of any civil officer of the United".

Amendment No. 4

On page 2, line 16, of the printed bill, after "order", insert "to meet an emergency created by war".

Amendment No. 5

On page 2 of the printed bill, strike out lines 34 and 35, and insert "by order of any Military officer of the United States or the State of California to meet an emergency created by war, or of".

Amendment No. 6

On page 2, line 38, of the printed bill, after "closed", insert "to meet an emergency created by war".

Amendment No. 7

On page 2 of the printed bill, strike out lines 49 to 51, inclusive, and insert "because of an order of any Military officer of the United States or the State of California due to an emergency created by war, or of any civil officer of the United States, the State".

Amendment No. 8

On page 3, line 1, of the printed bill, after "order", insert "due to an emergency created by war".

Amendment No. 9

On page 3 of the printed bill, strike out lines 11 to 13, inclusive, and insert "class or classes, because of an order of any Military officer of the United States or the State of California due to an emergency created by war, or of any civil officer of the United".

Amendment No. 10

On page 3, line 15, of the printed bill, after "order", insert "due to an emergency created by war".

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolutions were offered :

Assembly Joint Resolution No. 15: By Messrs. Voigt, Allen, Kellems, Lyon and Doyle—Relative to a Continental Defense Force.

Referred to Committee on Rules.

Assembly Joint Resolution No. 16: By Mr. Burkhalter —Relative to investigation and action by the Engineering Corps of the United States Army to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 21: By Messrs. Evans and Kellems—With respect to self-help cooperatives.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted :

Assembly Concurrent Resolution No. 20

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

RESOLUTIONS

The following resolutions were offered :

By Mr. O'Day :

House Resolution No. 51

Relative to an additional appropriation from the Contingent Fund for the Assembly Committee on Camps for Juvenile Delinquents

WHEREAS, By House Resolution No. 249 of the Fifty-fourth (Regular) Session of the Legislature, the Assembly Committee on Camps for Juvenile Delinquents was created; and

WHEREAS, It is necessary for the proper functioning of that committee to make additional funds available to it; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of fifteen hundred dollars (\$1,500) is hereby appropriated to the Assembly Committee on Camps for Juvenile Delinquents from the Contingent Fund of the Assembly, said sum to be in augmentation of any and all sums heretofore appropriated to said committee.

Resolution read, and referred to Committee on Rules.

By Mr. Field:

House Resolution No. 52

Relative to adjournment out of respect to the memory of the Honorable John Robert White, Jr.

WHEREAS, The Members of the Assembly are saddened by the news of the recent passing of the Honorable John Robert White, Jr., at the age of 71 years; and

WHEREAS, The Honorable John Robert White, Jr., came to this Legislature as a Member of the Assembly in 1919, and served in that capacity through the Legislative Sessions of 1919 and 1921, winning the admiration and respect of all who came to know him; and

WHEREAS, The Honorable John Robert White, Jr., was the recipient of public trust and confidence for a long period of time, having been honored by his fellow citizens of Glendale with the office of mayor of that city prior to his legislative service, and having subsequently held the office of United States Land Registrar in Los Angeles from 1932 to 1935; now, therefore, be it

Resolved by the Assembly of the State of California, That when the Assembly adjourns this day it do so out of respect to the memory of our former Colleague, John Robert White, Jr., and that the sincere condolences of this Assembly are hereby extended to his widow, Mrs. Rose White, and to his four sons, Douglas A. White, Gordon A. White, Kenneth A. White, and John Robert White III; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the members of the family of our departed friend.

Request for Unanimous Consent

Mr. Field asked for, and was granted, unanimous consent to take up House Resolution No. 52, at this time, without reference to committee.

Resolution read and adopted unanimously.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, January 13, 1942

*Honorable Randal F. Dickey, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: Scope of Proclamation

REQUEST: No. 4827

DEAR MR. DICKEY: We have examined the measure entitled,

"An act making appropriations for The Adjutant General for the support of the State Guard and providing that this act shall take effect immediately," and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. A. WELTNER, Assistant Counsel

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bill was introduced, and read the first time:

Assembly Bill No. 38: By Messrs. Dickey and Watson—An act making appropriations for The Adjutant General for the support of the State Guard and providing that this act shall take effect immediately.

Without reference to committee.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY CONCURRENT
RESOLUTION NO. 8 FROM COMMITTEE**

Mr. Kilpatrick gave notice that on the second legislative day, he would move to withdraw Assembly Concurrent Resolution No. 8 from the Committee on Rules, and have it placed upon the file.

**NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 2
FROM COMMITTEE CONTINUED**

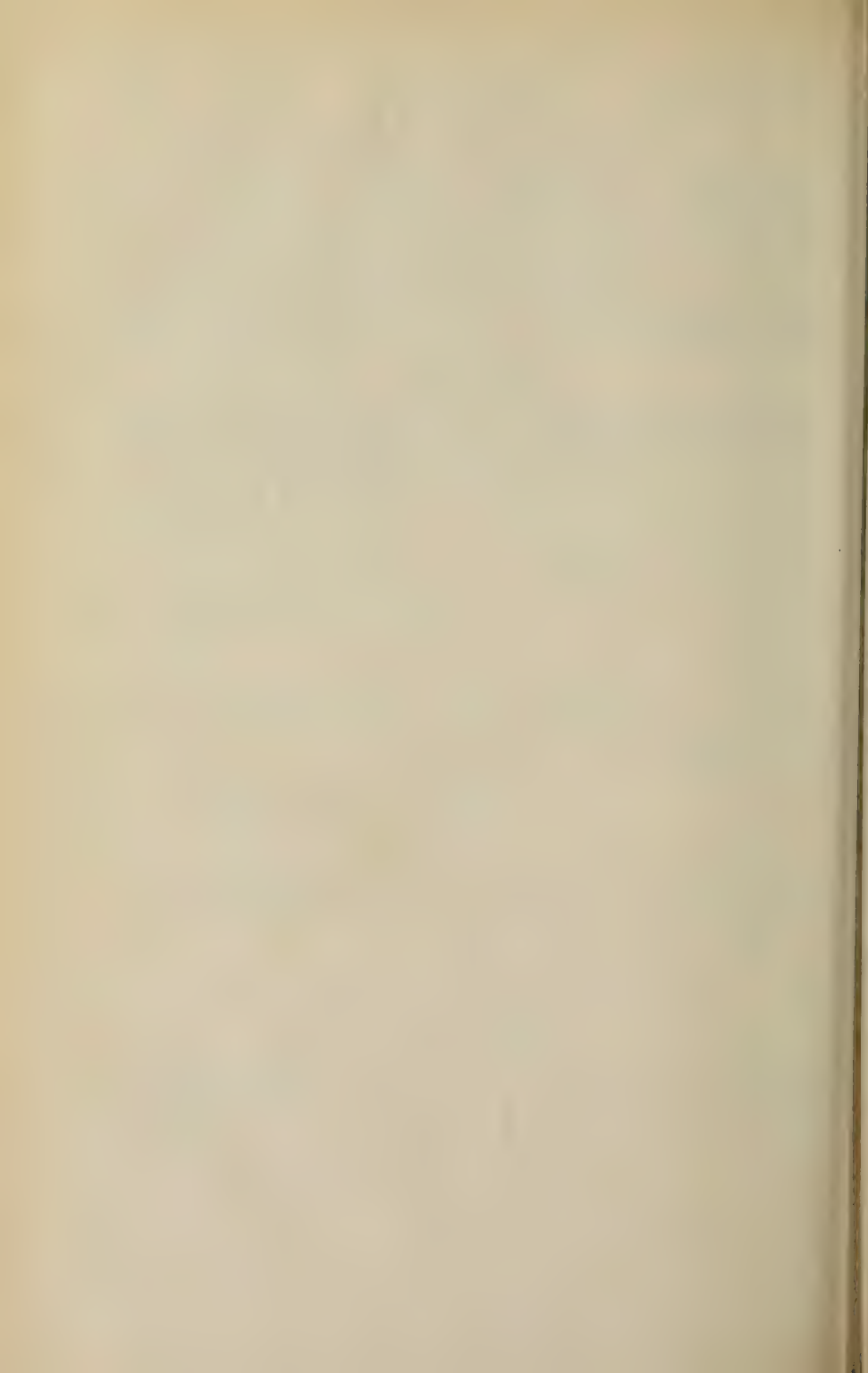
Mr. Bashore moved that his notice of motion to withdraw Senate Bill No. 2 from committee be continued until the next legislative day.

Motion carried.

ADJOURNMENT

At 5.05 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Wednesday, January 14, 1942, out of respect to the memory of the late Hon. John Robert White, Jr.

C. WILLIAM QUEALE, Minute Clerk



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SEVENTH LEGISLATIVE DAY
TWENTY-SEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, January 14, 1942

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—74.

Quorum present.

PRAYER

Upon request of the Speaker, prayer was offered by Hon. Jesse Randolph Kellems, Member of the Assembly from the Sixtieth Assembly District.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Richie.

REPORTS OF STANDING COMMITTEES

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1942

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which was referred:

Assembly Bill No. 35

Has had the same under consideration and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 35

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 33

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 18

And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old-age assistance.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton, Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Richie, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Turner, Voigt, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 14—Relative to memorializing the Congress of the United States to enact pending legislation providing penalties for the theft of automobile tires, parts and accessories.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Cain, Call, Carlson, Clarke, Daley, Del Mutolo, Dickey, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger,

Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Russell, Salmon, Stream, Thorp, Turner, Voigt, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—50.

NOES—Collins, Sam L., Houser, F. N., and Richie—3.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 20—Approving one certain amendment to the charter of the City of Petaluma, County of Sonoma, State of California, voted for and ratified by the electors of the City of Petaluma at the general municipal election held therein on June 10, 1941;

And reports that the same has been correctly enrolled, and presented to the Governor on the fourteenth day of January, 1942, at 10.30 a.m.

JOHN B. KNIGHT, Chairman

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, January 13, 1942

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly

Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Gardiner Johnson.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 39: By Messrs. Johnson, Kellems, Wollenberg and Lowrey—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Assembly Concurrent Resolution No. 22: By Mrs. Daley and Mr. Garland—Relative to the purchase of defense bonds by public officers and public employees.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Poulson, Field, Kellems, Carlson, Wollenberg and Miss Miller:

House Resolution No. 53

Relative to the birth of Jacqueline Ann Johnson

WHEREAS, Ever since the day Adam had his famous operation (for which he has ever since taken a lot of ribbing) it has become a firmly established doctrine of modern civilization that both sexes are equal (except in streetcars and bargain basements); and

WHEREAS, Any lapse from this deep-rooted principle has been productive of such mild horrors as suffragettes and the Nineteenth Amendment, as to which the more mature males of this Assemblage could testify—if they dared; and

WHEREAS, In the month of December this Assembly offered deserved congratulations to no less than four proud parents among its membership on their acquisition of male progeny, but completely overlooked the equally important birth on July 6, 1941, of Jacqueline Ann Johnson, first born daughter of Gardiner and Doris Miller Johnson; and

WHEREAS, Such oversight smacks of unjust discrimination and downright unchivalrous conduct, in view of the ever increasing part which the female of the species is taking, and we mean take, in modern life, what with the war depleting the ranks of industry, business, and commerce of men; now, therefore, be it

Resolved by the Assembly of the State of California, That we, the Members of this Assembly, offer our apologies to Jacqueline Ann Johnson for our unintentional oversight and extend to her and to our friends and her parents, Gardiner and Doris Miller Johnson, our heartiest congratulations upon her entry into this world, such congratulations to take effect retroactively as of July 6, 1941; and be it further

Resolved, That a suitably prepared copy of this resolution be presented to Jacqueline Ann Johnson in commemoration of this event.

Request for Unanimous Consent

Mr. Poulson asked for, and was granted, unanimous consent to take up House Resolution No. 53, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Messrs. Howser, F. N., and Stream:

House Resolution No. 54

Relative to a special session of the Legislature to consider grants for defense purposes by the State to local governmental units

WHEREAS, At this, the First Special Session of the Fifty-fourth Legislature, a number of bills have been introduced providing for State aid to local governmental units in carrying on defense programs; and

WHEREAS, The need for this legislation is based upon the palpable present exposure of the civil population and property in this State to attack and sabotage by the enemy and is most urgent; and

WHEREAS, Local governmental units are immediately able to take charge of this situation upon funds being furnished to them, no State officer is presently equipped to undertake the necessary measures, and much time must be lost if a State agency is to be organized to undertake this work; and

WHEREAS, There is a grave doubt whether the bills introduced to provide for this problem are within any of the subjects upon which the Legislature may enact legislation under the Proclamation convening the First Special Session of the Fifty-fourth Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor is most urgently requested to convene the Fifty-fourth Legislature in a special session to consider and act upon legislation providing for State aid to local governmental units to aid them in carrying on their defense activities; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to forward immediately a copy of this resolution to the Governor.

Resolution read, and referred to Committee on Rules.

MOTION TO PRINT IN JOURNAL

Mr. Lyon moved that the following communication be ordered printed in the Journal:

Motion carried.

LOS ANGELES, CALIFORNIA, January 14, 1942

Assemblyman Charles Lyon
State Capitol, Sacramento, California

At meeting December 28th with chiefs of Santa Monica, San Diego, Inglewood, Riverside, Fontana, Redlands, Beverly Hills, Brawley, Fullerton, Pomona, Ontario, Orange, San Bernardino, Colton, Pasadena and Los Angeles County with Ralph Williams, Coordinator, present. After thorough discussion, motion for support of Forestry Division Program failed to secure second. It was the opinion of southern chiefs that State division request should be restricted to needs of that division. Further, that plan to pool State equipment for use in metropolitan areas in Southern California is impractical and undesirable. That needs of cities are immediate, and available fire equipment and pumps should be diverted to cities, inasmuch as hazard in forest areas will not exist for four to five months. If possible please enter in Assembly record to clarify attitude of southern fire chiefs.

JOHN H. ALDERSON

Chief of Los Angeles Fire Department

MOTION TO PRINT IN JOURNAL

Mr. Tenney moved that the following communications be printed in the Journal:

Motion carried.

LOS ANGELES, CALIFORNIA, January 13, 1942

Jack B. Tenney, Assemblyman
State Capitol, Sacramento, California

As Commander of the Fourth Area, the American Legion, I represent approximately 27,000 Legionnaires. Members of the Executive Committee and flood of demands from hundreds of individual members and posts have been and are continuously requesting I eagerly urge you, as our representative, to do all within your power in supporting legislation that will establish adequate finances for State Emergency Fund for civilian defense and a State Guard.

TRACY C. HICKS

LOS ANGELES, CALIFORNIA, January 13, 1942

Jack B. Tenney
State Assemblyman

Los Angeles County Council American Legion at the December meeting reaffirmed their stand urging adequate appropriation California State Guard and National Defense Fund.

JOHN J. HARTSOCK, Commander
Los Angeles County Council

Motion for Committee of the Whole

Mr. Desmond moved that the Assembly resolve itself into a Committee of the Whole for the purpose of hearing arguments on Assembly Bill No. 36.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Gordon H. Garland, presiding.

Speakers in Committee of Whole on Assembly Bill No. 36

1. Maurice M. Clement, Third Vice President, California State Firemen's Association.

2. Robert A. Hatfield, member executive committee, Los Angeles Fire and Police Protective League.

On motion of Mr. Desmond, the committee did arise, and report back to the Assembly.

IN ASSEMBLY

Speaker Gordon H. Garland presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

SECOND READING OF ASSEMBLY BILL NO. 36

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES
Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 36
And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Desmond:

Resolved, That Assembly Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 11.53 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON SUSPENSION OF CONSTITUTION ON
ASSEMBLY BILL NO. 36**

At 12.04 p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 12.05 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

Honorable Frederick F. Houser Presiding

At 12.10 p.m. Hon. Frederick F. Houser, Member of the Assembly from the Fifty-third Assembly District, presiding.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolutions were offered:

Assembly Joint Resolution No. 17: By Messrs. Turner, Garland, Watson, Sawallisch, Johnson, Millington, Desmond, Cain, Lowrey and Crowley—Relative to flood control on the Sacramento River.

Referred to Committee on Rules.

Assembly Joint Resolution No. 18: By Mr. Thurman—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Referred to Committee on Rules.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to amend Section 553.1 of, and to add Sections 555.1 and 555.2 to the Military and Veterans Code relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization of the State Guard to permit the efficient operation thereof consistent with such pay, privileges, allowances and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act and providing that it shall take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Richard H. McCollister.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bill was introduced, and read the first time:

Assembly Bill No. 40: By Mr. McCollister—An act to amend Section 553.1 of, and to add Sections 555.1 and 555.2 to the Military and Veterans Code, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization of the State Guard to permit the efficient operation thereof consistent with such pay, privileges, allowances and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act and providing that it shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

MOTION TO PRINT IN JOURNAL

Mr. Burkhalter moved that the following communication be read, and ordered printed in the Journal:

Motion carried.

NORTH HOLLYWOOD, CALIFORNIA, January 13, 1942

Everett G. Burkhalter, Assemblyman
 Forty-second District, State Capitol
 Sacramento, California

The Twentieth District American Legion, composed of 27 Posts with 3,500 membership, urges your support of legislation establishing adequate State Guard and civilian defense properly financed.

V. LEE WARBURTON, Commander

MOTION TO PRINT IN JOURNAL

Mr. Gaffney moved that the following communications be printed in the Journal:

Motion carried.

VETERANS OF FOREIGN WARS

SAN FRANCISCO, CALIFORNIA, January 7, 1942

Assemblyman Edward M. Gaffney
 State Capitol, Sacramento, California

DEAR MR. GAFFNEY: It was 25 years ago that Kipling wrote:
 "Arise and smite the foe,
 The Hun is at the gate."

If you substitute "Jap" for "Hun" you will get a very good picture of California's situation today. Enemy submarines have sunk ships off our coast. At any time, they may throw shells into our cities. It follows, in our opinion, that this State needs and absolutely must have an efficient, mobile, modern State Guard, unhampered by restrictive legislation.

Yet the act that has come out of committee in Sacramento puts a ball-and-chain around the leg of the State Guard and then expects it to be ready and able to meet aggression from without or treachery from within.

Four of the proposed clauses are especially hampering:

- (1) That guardsmen may not serve more than two weeks active duty in any period of six weeks.
- (2) That the Governor may call into service only one-third of the guardsmen assigned to each of the 10 districts at any one time.
- (3) That the officers' pay is drastically scaled down from its present modest levels.
- (4) That existing tables of organizations are changed so as to destroy proper staff and command functions. The present tables should not be changed by legislation.

As an organization composed wholly of men who have known the hazards of active war-time service, we earnestly request—and even urge—that you rebuke all those who seek to make this an issue of petty partisan politics by vigorously supporting every effort to maintain the California State Guard as a strictly Military, highly efficient and absolutely necessary war-time unit.

Sincerely yours,

M. C. HERMANN

SAN FRANCISCO, CALIFORNIA, January 14, 1942

Hon. Edward M. Gaffney, Assemblyman
 State Capitol

Strongly urge you oppose efforts to lower the standards of medical care for the State Guard. Present State Guard Act conforms to the medical standards of U. S. Army and Navy, which should not be lowered.

Yours respectfully,

JOHN W. CLINE, M.D., President
 L. H. GARLAND, M.D., Secretary
 San Francisco County Medical Society

SAN FRANCISCO, CALIFORNIA, January 12, 1942

Honorable Edward M. Gaffney, Assemblyman
 State Capitol, Sacramento, California

Press reports indicate that State Guard Bill to be submitted by Special Committee is, in our opinion, unsatisfactory compromise. We feel that restrictions placing option of active service at caprice of individuals rather than executive officers is inimical to morale, and deviation from U. S. Army table of organization is poor Military policy. Reduction of pay for commissioned officers below Army rates will dissuade or make impossible the service of competent men. Until such time as regular Army forces amply protect secondary Military objectives, request you endeavor to obtain adequate but reasonable State support for Guard. We do not think proposed bill accomplishes this.

JOHN A. REMICK, President
 San Francisco Junior Chamber of Commerce

MOTION TO PRINT REMARKS IN JOURNAL

Mr. Middough moved that the remarks of Mr. Maurice M. Clement, relative to Assembly Bill No. 36, be reduced to writing, and be printed in the Journal:

Motion carried.

Speech by Maurice M. Clement, Captain, Long Beach Fire Department,
Third Vice President, California State Firemen's Association

Mr. Speaker and Members of the Assembly

The California State Firemen's Association wants to go on record as NOT being opposed to Assembly Bill No. 36. We realize that the Division of Forestry has a tremendous problem on its hands in protecting the watersheds from sabotage and possible attack by incendiary bombs. Our position on this bill is merely that we wish to clarify the somewhat prevalent feeling that Assembly Bill No. 36 will provide to the cities the emergency protection they need in the event of enemy attack from the air or by shelling from enemy vessels off the coast. That is not the case.

A metropolitan fire department must build its fire defenses, whether in peace or war, upon the solid foundation of as much certainty as can reasonably be expected, that their apparatus and manpower shall be instantly available to meet whatever demands shall be made upon them. The apparatus pools mentioned in this bill will not give us that assurance.

Fire departments in defense and target areas must have apparatus that is continuously available and dependable. The factor of dependability is so important in the fire service that all our mobile equipment has dual ignition, so that in the event of failure of one system, the other will operate. Our fire alarm systems can not depend upon a single source of energy, but must be supplemented with a standby motor-generator plant powered by a gasoline or other suitable engine, with heavy duty batteries to take the load instantaneously and carry it during the interim of switching over from primary to secondary power.

The reason why two or more pieces of fire apparatus answer every call, is to provide against the contingency that one of them may meet with an accident en route.

In considering the response of apparatus from the pools to the burning areas, we have no assurance that key roads and highways will not have been closed by the Army, or at least restricted to their own uses for the movement of troops and mechanized equipment. I do not claim that such roads will be closed, but only that the Army has the authority to close them and might find it necessary to do so, thus shutting off, or at best delaying assistance that we might be expecting, and needing.

For several reasons, response of fire apparatus from pools to fires will be slow. All of you who have driven your cars under blackout conditions have first hand knowledge of the difficulties involved. I have had the added experience of responding to a fire during a blackout, and I assure you, it slows down response tremendously.

My experience in that regard has shown me that it is very difficult even for a driver who is thoroughly familiar with the area in which he works to find his way around in a blackout. What, then, must be the situation facing a driver from the pool, running into an area with which he is not familiar? Another vital factor involved is the distance between the pool and the fire area, which in some cases we must believe will be considerable. Faced as the driver would be with all the handicaps enumerated, his arrival at the scene where his apparatus is needed would be so long after the call had been placed as to be of very little value, at least in the larger centers of Military defense.

I have just finished recruiting a force of some 900 auxiliary firemen in the City of Long Beach, of which about 750 are now undergoing training. The principle of the use of auxiliary firemen is that they shall have auxiliary apparatus upon which to train, and with which to operate. An experienced fireman can operate a strange pumper after but a few moments examination, but these men are not experienced firemen. Their training must necessarily be restricted to a few of the fundamentals of fire extinguishment. Thus it can readily be appreciated that to suddenly attach these auxiliary firemen to a strange piece of fire apparatus, during a blackout, and under conditions of extreme excitement would develop a chaotic situation.

May I call your attention to the situation at Terminal Island, where many defense projects are in operation. The island is reached only by two bridges that stand side by side, and a ferry operating at the west end of the island. Two well-placed bombs, or simple acts of sabotage could destroy these avenues of access, resulting in complete isolation of the island. Obviously, in this situation, the pool would be of no help.

Auxiliary fire apparatus, to be of value to a city in a defense area, should be designed for use on the type of hazards found in that city. Speaking again of the City of Long Beach, because I am more familiar with that area, we find this varied type of hazard: Storages of oil, gasoline and butane, some 1,600 oil wells, including, of course, the Signal Hill Area, shipyards, the airport, Army barracks, the Douglas plant, piers, warehouses and vessels, edible oil plants, automobile assembly plant, a huge power generating plant, and Roosevelt Base. Obviously, the small type of pumper it is planned to have available in the pool would be inadequate to safeguard these properties.

Auxiliary fire apparatus should be supervised, manned and operated by members of the local fire department in accord with local defense plans and local methods of operation. This would simplify tremendously the operation of control center. Control center is where the fire chief will be during an air raid, and from that point he will dispatch all the fire apparatus under his jurisdiction.

The pool system is predicated upon there being adequate fire defenses locally. The Office of Civilian Defense tells us that fire defenses are not adequate unless there have been installed from three to five auxiliary pumpers in Military target areas for every existing pumping unit. Under those recommendations, Long Beach alone would need 80 auxiliary pumping units.

Speaker Presiding

At 12.25 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON SUSPENSION OF CONSTITUTION ON ASSEMBLY BILL NO. 36

At 12.27 p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

RECESS

At 12.28 p.m., on motion of Mr. Field, the Assembly recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RECESS

At 3.05 p.m., on motion of Mr. Thomas, the Assembly recessed until 3.10 p.m.

REASSEMBLED

At 3.10 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 12, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined measures entitled as follows:

"An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately."

"An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately."

"An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately."

We report that in our opinion each of these measures appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Seth Millington.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 13, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined the measures entitled

"An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, declaring the urgency hereof, and providing that this act shall take effect immediately."

and

"An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately."

and report that in our opinion each of the measures appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Edward F. O'Day.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 41: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 42: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 43: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 44: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 45: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 46: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 47: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 48: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 49: By Messrs. Millington, Burns, Hugh M., Call, Clarke, Desmond, Field, Johnson, Lyon, Poulson, Voigt and Garland (For the Joint Committee on Defense)—An act making an appropria-

tion to the Division of Mines of the Department of Natural Resources. to take effect immediately.

Without reference to committee.

Assembly Bill No. 50: By Messrs. O'Day, Collins, George D., Lowrey, Maloney, Cain, Gunlock, Gaffney, Meehan, Del Mutolo and Donnelly—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, declaring the urgency hereof, and providing that this act shall take effect immediately.

Without reference to committee.

Assembly Bill No. 51: By Messrs. O'Day, Collins, George D., Lowrey, Maloney, Cain, Gunlock, Gaffney, Meehan, Del Mutolo and Donnelly—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Without reference to committee.

Assembly Concurrent Resolution No. 23: By Messrs. Sawallisch and Burns, Hugh M.—Relative to war time legislation.

Referred to Committee on Rules.

Assembly Joint Resolution No. 19: By Messrs. Voigt, Crowley, Houser, Frederick F., Lyon, Garland and Kellems—Relative to defense of the California coast.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 17

Assembly Joint Resolution No. 18

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 54

Assembly Concurrent Resolution No. 21

Assembly Concurrent Resolution No. 22

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 8

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Joint Resolution No. 8—Relating to a survey of California agricultural labor needs.

Referred to Committee on Rules.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY JOINT
RESOLUTION NO. 10

Mr. Thorp moved that Assembly Joint Resolution No. 10 be withdrawn from the Interim Committee on Budget, and re-referred to the Committee on Rules.

Motion carried.

MOTION TO PRINT IN JOURNAL

Mr. Tenney moved that the following communications be read, and ordered printed in the Journal.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Collins, George D., Crowley, Daley, Del Muto, Dickey, Dills, Donnelly, Doyle, Evans, Gaffney, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Kellem, Kilpatrick, Knight, John B., Leonard, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pfaff, Phillips, Poole, Poulson, Richie, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—53.

NOES—Carlson, Desmond, Heisinger, Johnson, Kepple, Knight, T. Fenton; Millington, Pelletier, and Potter—9.

THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA
117 VETERANS BUILDING, San Francisco

RESOLUTION

WHEREAS, The United States of America is at war; and

WHEREAS, California and the other coastal States of our Nation are in the combat zone; and

WHEREAS, It should be the desire of all Americans in every State to share the cost, the responsibility and danger of repelling possible invasion and of speedily winning the war; now, therefore, be it

Resolved, That the War Council of the American Legion, Department of California, urges the adoption of the following defense policy:

Offense against the enemy and defense of our shores against invasion is the function of the United States Army and Navy. This department pledges its full support in obtaining enlistments for our armed forces and in aiding in the full operation of the Selective Service Law.

Americans capable of special service should not be rejected by the Army and Navy for slight defects such as flat feet, impaired vision, loss of a finger or missing teeth but should be enlisted in the Federal armed forces and utilized in desk work, shop work, motor transport, communications, protection of defense installations, bridges, tunnels, canals and the performance of similar duties.

The California State Guard should be a State organization to uphold the dignity and authority of the State of California in maintaining law and order and in augmenting State, county and city authorities in the event of flood, fire, riot or other disaster.

Should sudden attack threaten any part of our State, local defense should be organized by the State Guard until the situation can be taken in hand by Federal forces. Protection of the other States of the United States against invasion through California should not be the burden of this State alone but should be the responsibility of our National Government.

The guard should be well officered, well trained, fully equipped and adequately financed for emergency duty.

All Legionnaires and citizens physically qualified should enroll for and participate in civilian defense. A coordinated program and competent, trained leadership with definite authority should be provided at once.

Every American citizen must buy defense bonds to the limit of his ability.

Be it further

Resolved, That the Legislature of the State of California be and is hereby urged to enact appropriate State legislation for effecting this program and to memorialize Congress to enact necessary Federal legislation.

RESOLUTION

WHEREAS, The Department Convention of the American Legion in session at Sacramento, August 10-13, 1941, adopted the following resolution relative to the Maritime Academy:

WHEREAS, The California Legislature, Fifty-fourth Session, recognizing the value of the California Maritime Academy as a State educational institution, and further recognizing the necessity and desirability of implementing said California Maritime Academy with adequate facilities to carry on its work; after thorough investigation and prolonged hearing, enacted an appropriation measure sufficient to provide the California Maritime Academy with proper facilities; and

WHEREAS, Said appropriation bill known as Assembly Bill No. 1078 was pocket vetoed by the Governor, and said California Maritime Academy is now without proper facilities, and unable to perform its proper function of training additional officers for the Merchant Marine so important to the National Defense Program; now, therefore, be it

Resolved, That if and when a special session of the Legislature be called, the Governor be and is hereby requested to include among the matters for the Legislature to consider and act upon, the matter providing an appropriation to provide facilities for training at the California Maritime Academy on San Francisco Bay and its tributaries, said site having been donated without cost to the State, and accepted by the Board of Governors of the California Maritime Academy.

WHEREAS, The California Legislature is in special session at the present time under a call that would permit the consideration of such defense legislation.

WHEREAS, World conditions arising subsequent to the department convention of August 10-13, 1941, now more than ever require the enactment of such legislation; therefore be it

Resolved, That the department chairman of the legislation of the American Legion have prepared, present and press for a successful conclusion by the California Legislature in special session, suitable legislation to accomplish the adequate support of the California Maritime Academy.

Speaker Pro Tempore Presiding

At 4.20 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Pfaff moved a call of the Assembly.

Motion carried. Time, 4.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Miss Miller, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Bill No. 33.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

Bill ordered transmitted to the Senate.

Temporary Suspension of Assembly Rule No. 33

On motion of Miss Miller, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Bill No. 34.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Heisinger—1.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpat-

rick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Heisinger—1.

Bill ordered transmitted to the Senate.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Fred N. Howser, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on House Resolution No. 54.

CONSIDERATION OF HOUSE RESOLUTION NO. 54

House Resolution No. 54

Relative to a special session of the Legislature to consider grants for defense purposes by the State to local governmental units

WHEREAS, At this, the First Special Session of the Fifty-fourth Legislature, a number of bills have been introduced providing for State aid to local governmental units in carrying on defense programs; and

WHEREAS, The need for this legislation is based upon the palpable present exposure of the civil population and property in this State to attack and sabotage by the enemy and is most urgent; and

WHEREAS, Local governmental units are immediately able to take charge of this situation upon funds being furnished to them, no State officer is presently equipped to undertake the necessary measures, and much time must be lost if a State agency is to be organized to undertake this work; and

WHEREAS, There is a grave doubt whether the bills introduced to provide for this problem are within any of the subjects upon which the Legislature may enact legislation under the Proclamation convening the First Special Session of the Fifty-fourth Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor is most urgently requested to convene the Fifty-fourth Legislature in a special session to consider and act upon legislation providing for State aid to local governmental units to aid them in carrying on their defense activities; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to forward immediately a copy of this resolution to the Governor.

Resolution read.

Demand for Previous Question

Messrs. Johnson, Watson, Kellems, Waters and Collins, Sam L., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of House Resolution No. 54.

Roll Call Demanded

Messrs. Lowrey, O'Day and Collins, George D., demanded a roll call.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—48.

NOES—Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Gaffney, Gunlock, Heisinger, Kilpatrick, Lowrey, Massion, Meehan, O'Day, Richie, and Russell—16.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Resolution read, and ordered engrossed.

Assembly Concurrent Resolution No. 22—Relative to the purchase of defense bonds by public officers and public employees.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Resolution read, and ordered engrossed.

Hon. Michael J. Burns, Presiding

At 5.16 p.m., Hon. Michael J. Burns, Member of the Assembly from the First Assembly District, presiding.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON ASSEMBLY BILL NO. 18**

At 5.20 p.m., on motion of Mr. Pfaff, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Assembly Bill No. 18 passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Field, Hastain, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Mullington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Cain, Collins, George D., Del Mutolo, Dills, Donnelly, Gaffney, Gunlock, Heisinger, Kilpatrick, King, Massion, O'Day, Richie, Thomas, and Welch—15.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 21

Assembly Concurrent Resolution No. 22

Assembly Joint Resolution No. 17

Assembly Joint Resolution No. 18

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 10

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolution ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 51

Assembly Joint Resolution No. 15

Assembly Joint Resolution No. 16

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

Above reported resolutions ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**Assembly Joint Resolution No. 10**—Relative to the war between the United States and Japan and the other Axis Powers.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 8, of the printed measure, strike out "days", and insert "several hours".

Amendment No. 2

In line 3 of the title of the printed measure, after "Army", insert "and the Los Angeles County flood control authorities".

Amendment No. 3

On page 1, line 16, of the printed measure, after "Army", insert "and by the Los Angeles County flood control authorities".

Amendment No. 4

On page 1, line 23, of the printed measure, strike out "and", and insert "to the Los Angeles County flood control authorities, and".

Amendments read and adopted.

Resolution ordered reprinted, and engrossed.

Assembly Joint Resolution No. 15—Relative to a Continental Defense Force.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "interior", and insert "United".

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "between the ages of 44 and 65".

Amendment No. 3

On page 1, lines 17 and 18, of the printed bill, strike out "to be drawn through draft registration of able-bodied men between the ages of 44 and 65 primarily".

Amendments read and adopted.

Resolution ordered reprinted, and engrossed.

CONSIDERATION OF HOUSE RESOLUTION NO. 51**House Resolution No. 51**

Relative to an additional appropriation from the Contingent Fund for the Assembly Committee on Camps for Juvenile Delinquents

WHEREAS, By House Resolution No. 249 of the Fifty-fourth Regular Session of the Legislature, the Assembly Committee on Camps for Juvenile Delinquents was created; and

WHEREAS, It is necessary for the proper functioning of that committee to make additional funds available to it; now, therefore, be it

Resolved by the Assembly of the State of California, That the sum of one thousand five hundred dollars (\$1,500) is hereby appropriated to the Assembly Committee on Camps for Juvenile Delinquents from the Contingent Fund of the Assembly, said sum to be in augmentation of any and all sums heretofore appropriated to said committee.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 8, of the typewritten resolution, strike out "one thousand five hundred", and insert "five hundred".

Amendment No. 2

On page 1, line 9, of the typewritten resolution, strike out "\$1,500", and insert "\$500".

Amendments read and adopted.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations

for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Ernest C. Crowley.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 52: By Mr. Crowley—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately.

Without reference to committee.

Assembly Joint Resolution No. 20: By Messrs. Gaffney, Cain, Lowrey, Maloney, Meehan, Collins, George D., King, Heisinger, Crowley and O'Day—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Referred to Committee on Rules.

NOTICE OF MOTION TO WITHDRAW SENATE BILL NO. 2 FROM COMMITTEE CONTINUED

Mr. Bashore moved that his notice of motion to withdraw Senate Bill No. 2 from committee be continued to the next legislative day.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Weber, Welch, Weybret, and Wollenberg—58.

NOES—None.

Notice of Motion to Reconsider Assembly Concurrent Resolution No. 21

Mr. Dilworth gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Concurrent Resolution No. 21 was this day adopted.

RESOLUTIONS

The following resolutions were offered:

By Mr. Evans:

House Resolution No. 55

Congratulating Honorable Cecil R. King on his birthday

WHEREAS, It has been called to the attention of the Members of this Assembly that yesterday marked the 44th anniversary of the birth of Hon. Cecil R. King, Assemblyman from the Sixty-seventh Assembly District; and

WHEREAS, During the four sessions he has represented his fellow citizens in the Legislature, he has won the friendship, the respect and the esteem of each one of his Colleagues; and

WHEREAS, Those who have come to know him during his service in this Assembly are happy to take this opportunity of expressing their feelings towards him; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby extend to Hon. Cecil R. King their most cordial and best wishes and their heartiest congratulations on his birthday; and be it further

Resolved, That a copy of this resolution be transmitted to Hon. Cecil R. King, Assemblyman from the Sixty-seventh District, by the Chief Clerk of the Assembly.

Request for Unanimous Consent

Mr. Evans asked for, and was granted, unanimous consent to take up House Resolution No. 55, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Messrs. Dills, King, Kilpatrick, Middough, Voigt, Hawkins, Burkhalter, Bashore, Poulson, Allen, Evans, Tenney, Massion, Pelletier, Doyle, Poole and Thomas:

House Resolution No. 56

Relative to the furnishing of relief to single women in Los Angeles County

WHEREAS, The State of California has determined that \$40 is the minimum amount necessary to maintain elderly persons over the age of 65 years so that they may be furnished with at least the minimum necessities of life; and

WHEREAS, Unemployed single women under the age of 65 who are on relief in Los Angeles County are paid only the sum of \$19.55 per month; and

WHEREAS, The sum of \$19.55 per month is insufficient to furnish the necessities of life to such women, is a reflection upon the humanity of Los Angeles, and causes through improper food and lack of balanced diet many illnesses and much unnecessary suffering; now, therefore, be it

Resolved by the Assembly of the State of California, That it hereby requests the Board of Supervisors of the County of Los Angeles to furnish to single women on relief in Los Angeles County a sum of not less than \$25 per month; and be it further

Resolved, That it hereby request the Board of Supervisors of Los Angeles County not to establish, as a condition on the right to receive such relief, any restriction on the residence of such women and on their residing in any place of their own choosing within the County of Los Angeles; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to send a suitably prepared copy of this resolution to the Board of Supervisors of the County of Los Angeles.

Resolution read, and referred to Committee on Rules.

RECESS

At 5.30 p.m., on motion of Mr. Desmond, the Assembly recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 41 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Potter, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—Andreas, Collins, George D., Dills, Evans, Kilpatrick, King, Massion, Middough, and Russell—9.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 41

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Potter, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—Andreas, Collins, George D., Dills, Evans, Kilpatrick, King, Massion, Middough, and Russell—9.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff,

Potter, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—Andreas, Collins, George D., Dills, Evans, Kilpatrick, King, Massion, Middough, and Russell—9.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 42 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 42

Assembly Bill No. 42—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 42—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollis-

ter, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Bill ordered transmitted to the Senate.

Speaker Pro Tempore Presiding

At 9.30 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 43 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

Demand for Previous Question

Messrs. Pfaff, Kellems, Pelletier, Knight, John B., and Evans demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the resolution suspending provision of Constitution for purpose of considering Assembly Bill No. 43.

The roll was called, and resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, and Wollenberg—65.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 43

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bennett, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, and Wollenberg—65.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bennett, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, and Wollenberg—65.

NOES—None.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 44 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Knight, John B.—1.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 44

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Knight, John B.—1.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Knight, John B.—1.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 45 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 45

Assembly Bill No. 45—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 45—An act making an appropriation for the support of the Railroad Commission of the State of California, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Muto, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellens, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Muto, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellens, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—None.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 46 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellens, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Evans—1.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 46

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Evans—1.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—65.

NOES—Evans—1.

Bill ordered transmitted to the Senate.

Hon. Rodney L. Turner, Presiding

At 9.35 p.m., Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 47 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Evans—1.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 47

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of

Public Health, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Evans—1.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—64.

NOES—Evans—1.

Bill ordered transmitted to the Senate.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 48 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 48

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—68.

NOES—None.

Bill ordered transmitted to the Senate.

Speaker Pro Tempore Presiding

At 9:55 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 49 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Collins, Sam L., Dilworth, Evans, Houser, Frederick F., Pfaff, Potter, Richie, Sheridan, and Waters—9.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 49

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read second time.

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Collins, Sam L., Dilworth, Evans, Houser, Frederick F., Pfaff, Potter, Richie, Sheridan, and Waters—9.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Poulson, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Collins, Sam L., Dilworth, Evans, Houser, Frederick F., Pfaff, Potter, Richie, Sheridan, and Waters—9.

Bill ordered transmitted to the Senate.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Desmond moved to expunge the record and to rescind the action whereby the resolution suspending the Constitution in order to further consider Assembly Bill No. 36 was this day refused adoption.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—Bashore, and Hawkins—2.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Desmond:

Resolved, That Assembly Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson,

Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 36

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 2 to 4, inclusive, of the printed bill, strike out "three million eight hundred ninety-four thousand six hundred forty-three dollars (\$3,894,643)", and insert "four million twenty-two thousand seven hundred dollars (\$4,022,700)".

Amendment No. 2

On page 1, line 16, of the printed bill, strike out "and", and insert a comma.

Amendment No. 3

On page 1, line 18, of the printed bill, between "administration" and the period, insert "; and (V) not more than one hundred twenty-eight thousand fifty-seven dollars (\$128,057) for allotment to those agencies protecting watershed and timber lands, the allotments only to be allowed to be made under contract with this State, and may not exceed as to any agency the amount paid to the agency by the State for protecting watershed and timber lands during the Ninety-second Fiscal Year, but no such allotment may be made to the United States Forest Service if in the opinion of the State Forester sufficient funds are available to the United States Forest Service for the protection of private lands".

Amendment No. 4

On page 1 of the printed bill, after line 25, insert
"SEC. 4.1. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each sentence, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of such sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 13

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 13—Relative to the appointment of the Honorable John D. Foley to the bench of the Superior Court in Santa Clara County.

Request for Unanimous Consent

Mr. Del Mutolo asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 13, at this time, without reference to committee, print or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 13

Senate Concurrent Resolution No. 13—Relative to the appointment of the Honorable John D. Foley to the bench of the Superior Court in Santa Clara County.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andrews, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined.

Assembly Joint Resolution No. 10

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Motion to Amend

Mr. Desmond moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 13, of the printed bill, after "of", insert "13.5 per cent but not exceeding".

Amendment read and adopted.

Bill ordered reprinted, and re-engrossed.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY CONCURRENT
RESOLUTION NO. 8 FROM COMMITTEE CONTINUED**

Mr. Kilpatrick moved that his notice of motion to withdraw Assembly Concurrent Resolution No. 8 from Committee on Rules be continued until the next legislative day.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 13

Miss Miller moved that Assembly Bill No. 13 be withdrawn from the file, and re-referred to Committee on Rules.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Middough, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to E. S. Hass of Essex, California.

On request of Messrs. Thomas, Doyle and Desmond, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Max Baer, former heavyweight champion of the world.

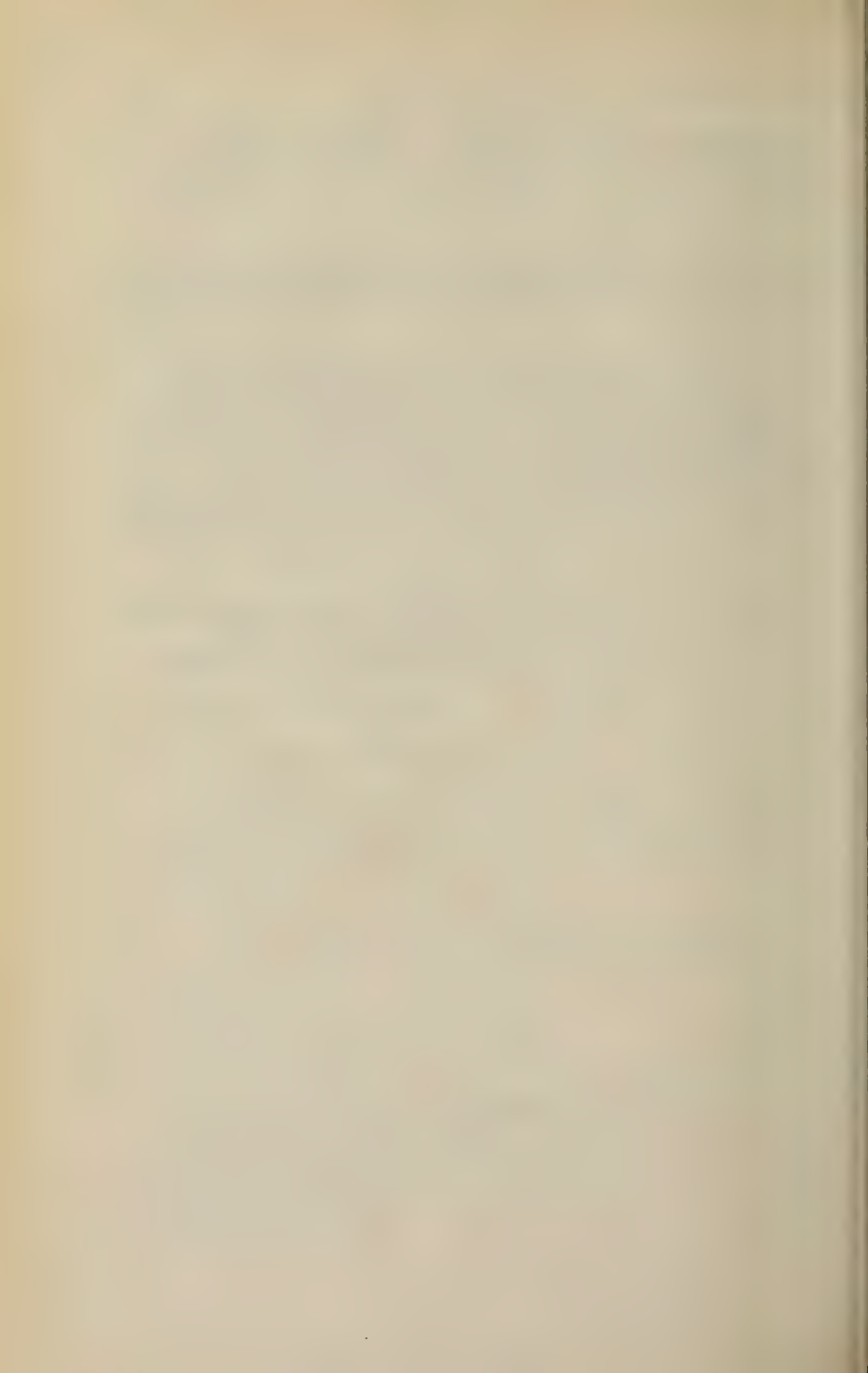
On request of Mr. Michael J. Burns, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Nelson Bowles, Martin Moggini, Albert Pedraggini, Henry Giacomini and John Nunes of Humboldt County.

On request of Mr. Robertson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Judge Robert M. Clark of Los Angeles.

ADJOURNMENT

At 10.30 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Thursday, January 15, 1942.

C. WILLIAM QUEALE, Minute Clerk



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

EIGHTH LEGISLATIVE DAY
TWENTY-EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO,
Thursday, January 15, 1942

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—74.

Quorum present.

PRAYER

Prayer was offered by the Rev. Richard C. Dwyer.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Maloney.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 15

Assembly Joint Resolution No. 16

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 36
And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Concurrent Resolution No. 14
And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolution ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 23
Senate Bill No. 25

Senate Bill No. 26
Senate Bill No. 27

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 14, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 16
Senate Bill No. 17
Senate Bill No. 18

Senate Bill No. 19
Senate Bill No. 21
Senate Bill No. 29

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 23—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 25—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 26—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 27—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 16—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 17—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 18—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 19—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Request for Unanimous Consent

Mr. Call asked for, and was granted, unanimous consent to take up Senate Bill No. 21, at this time, without reference to committee or file.

CONSIDERATION OF SENATE BILL NO. 21

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Call:

Resolved, That Senate Bill No. 21 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Robertson, Russell, Salsman,

Stream, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—56.
 NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 21

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read second time.

Senate Bill No. 21—An act to add Section 92.5 to the Agricultural Code, relating to apportionment of funds to counties and district agricultural associations for agricultural fairs, declaring the urgency hereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—None.

Bill ordered transmitted to the Senate.

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Section 555.2 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Without reference to committee.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the State Guard, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Augustus F. Hawkins.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 53: By Mr. Hawkins—An act making an appropriation for the State Guard, to take effect immediately.

Without reference to committee.

Assembly Joint Resolution No. 21: By Messrs. Heisinger, Stream, Clarke and Garland—Relative to manpower, production and the war.

Request for Unanimous Consent

Mr. Heisinger asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 21, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 21

Assembly Joint Resolution No. 21—Relative to manpower, production and the war.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Carlson, Clarke, Collins, George D., Crowley, Daley, Del Mutolo, Desmond, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellems, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Phillips, Poole, Russell, Salsman, Stream, Thomas, Thorp, Turner, Welch, Weybret, and Mr. Speaker—44.

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

WASHINGTON, D. C., January 15, 1942

*Honorable Gordon Garland
Speaker of the Assembly, State Capitol*

Senate bill providing for limited service Marine Corps as guards for naval shore activities has passed both houses and doubtless will be signed by the President soon. The War Department will immediately begin a program of setting up a guard organization from over age and limited service men to perform guard service for protection of defense activities, communications, and plants of Military value. Program

includes 51 battalions of 800 men each. The initial effort will provide for nine battalions at a comparatively early date with the completed program requiring four or five months involving further inductions and selections and training. These guards of course will be assigned to stations according to Military requirements of their service. The War Department desires continued cooperation of States particularly during the period of assembling its guard organizations. Thereafter State cooperation will be earnestly desired for guarding defense activities or plants for which, on account of their isolation, or other reasons, Military guards can not be expected to be supplied.

CLARENCE F. LEA, M. C.

MOTION TO MIMEOGRAPH COMMUNICATION

Mr. Maloney moved that 100 copies of the communication be mimeographed for distribution among the members.

Motion carried.

NOTICE OF MOTION TO RECONSIDER ASSEMBLY CONCURRENT RESOLUTION NO. 21 WAIVED

Mr. Dilworth waived his notice of motion to reconsider the vote whereby Assembly Concurrent Resolution No. 21 was adopted.

Assembly Concurrent Resolution No. 21 ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 22—Relative to the purchase of defense bonds by public officers and public employees.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mrs. Daley moved a call of the Assembly.

Motion carried. Time, 11.10 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

MOTION TO PRINT IN JOURNAL

Mr. Thomas moved that the following communication be read, and ordered printed in the Journal:

Motion carried.

WHEREAS, When the National Guard was inducted into the Regular Army of the United States there was formed to replace it a State Guard to act as a State Military Force and to guard places of strategic and Military value in California; and

WHEREAS, Governor Culbert L. Olson has requested the Legislature to make an adequate appropriation for the financing and equipment of an adequate guard for the protection of the tremendous natural resources, such as oil and forests, and the valuable installations such as utilities, bridges, harbors, communication lines, and railroads, of the State, all of which are so essential to the successful prosecution of the war in which California has a significant part; and

WHEREAS, There seems to be a disposition on the part of some Legislators to emasculate and hinder the development of the State Guard for political or other reasons; now, therefore, be it

Resolved, That the Los Angeles County Democratic Central Committee, being the duly elected representatives of 1,000,000 Democrats in Los Angeles County, do urgently request the Members of the State Legislature to appropriate adequate funds as requested by Governor Olson for the maintenance of a full-time, full sized, well-equipped State Guard; and be it further

Resolved, That copies of this resolution be sent to all Members of the State Legislature from Los Angeles County, to Governor Olson, to the State Guard, and to the press.

Adopted unanimously by the Los Angeles County Democratic Central Committee, January 13, 1942.

CLAUDE L. WELCH, Chairman
GEORGE MYERS, Secretary

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Thorp, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Joint Resolution No. 10.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 10—Relative to the war between the United States and Japan and the other Axis Powers.

Resolution read.

Motion to Amend

Mr. Hawkins moved the adoption of the following amendment:

Amendment No. 1

Strike out lines 17 to 26, inclusive, of the printed measure, and insert "under the armed forces of the United States and of the State of California in accordance with the California Military and Veterans Code and cease deliberating in the Legislature as politicians."

Amendment read.

Motion to Table Amendment

Mr. Pfaff moved that the amendment by Mr. Hawkins be laid on the table.

Roll Call Demanded

Messrs. Hawkins, Kilpatrick and Thomas demanded a roll call.

The roll was called, and the motion to lay the amendment on the table carried by the following vote:

AYES—Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Donnelly, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pfaff, Phillips, Poole, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—40.

NOES—Andreas, Burkhalter, Collins, George D., Crowley, Del Mutolo, Dills, Evans, Gaffney, Hawkins, Kilpatrick, King, Massion, Meehan, O'Day, Pelletier, Russell, Tenney, and Thomas—18.

Motion to Postpone Further Consideration of Assembly Joint Resolution No. 10

Mr. Lyon moved that further consideration of Assembly Joint Resolution No. 10 be postponed until this afternoon.

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY CONCURRENT RESOLUTION NO. 22

At 12 m., on motion of Mrs. Daley, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Assembly Concurrent Resolution No. 22 was adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Doyle, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Milling-

ton, Pfaff, Phillips, Poole, Potter, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—51.

NOES—Collins, George D., Crowley, Evans, Gaffney, Heisinger, Kilpatrick, King, Lowrey, Meehan, Middough, O'Day, and Russell—12.

Resolution ordered transmitted to the Senate.

Explanation of Vote

I am opposed to employers making deductions from an employee's pay unless by strictly voluntary action without solicitation from any employer or department head, hence my "no" vote.

VERNON KILPATRICK

RECESS

At 12.01 p.m., on motion of Mr. Lyon, the Assembly recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Assembly reconvened.

Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 37—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 38—An act making appropriations for The Adjutant General for the support of the State Guard and providing that this act shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 50—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 51—An act making an appropriation for the State Guard, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 52—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately.

Bill read second time, and ordered engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 41
Assembly Bill No. 42
Assembly Bill No. 43
Assembly Bill No. 46

Assembly Bill No. 47
Assembly Bill No. 48
Assembly Bill No. 49

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 11

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 31

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Mr. Del Mutolo:

House Resolution No. 57

WHEREAS, Some of the Members of the Assembly have oftentimes experienced difficulty in gaining entrance to the Senate Chamber without presenting proper credentials; and

WHEREAS, It should be made possible for the Members of the Assembly to enter the Senate Chamber without being stopped at the door to answer a lot of questions before being admitted; now, therefore, be it

Resolved by the Assembly of the State of California. That the Sergeant-at-Arms of the Senate be instructed to acquaint himself with the Members of the Assembly and to have their pictures and descriptions in his possession, if necessary, so that the Members of the Assembly can enter the Senate Chamber without delay.

Request for Unanimous Consent

Mr. Del Mutolo asked for, and was granted, unanimous consent to take up House Resolution No. 57, at this time, without reference to committee.

Resolution read and adopted.

Hon. Harold F. Sawallisch, Presiding

At 2.35 p.m., Hon. Harold F. Sawallisch, Member of the Assembly from the Tenth Assembly District, presiding.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the support of the Division of Fire Safety, Department of Industrial Relations, prescribing conditions, restrictions and limitations as to the expenditure thereof, declaring the urgency of this act and that it take effect immediately,"

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable John D. Welch.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 54: By Messrs. Welch, Bashore and King—An act making an appropriation for the support of the Division of Fire Safety, Department of Industrial Relations, prescribing conditions, restrictions and limitations as to the expenditure thereof, declaring the urgency of this act and that it take effect immediately.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 37

Assembly Bill No. 51

Assembly Bill No. 38

Assembly Bill No. 52

Assembly Bill No. 50

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 36—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, and Mr. Speaker—61.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 15—Relative to a Continental Defense Force.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, King, Knight, John B., Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Potter, Poulson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Waters, Weber, Welch, Weybret, and Wollenberg—58.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, Sam L., Crowley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, and Wollenberg—60.

NOES—None.

Resolution ordered transmitted to the Senate.

MOTION TO PRINT IN JOURNAL

Mr. Wollenberg moved that the following communication be read, and ordered printed in the Journal.

Motion carried.

SAN FRANCISCO, CALIFORNIA, January 15, 1942

*Honorable Alfred Wollenberg, State Assembly
Sacramento, California*

As citizen of your district may I present personal views concerning State Guard legislation. State Guard should be small, well trained mobile force to augment State, county and city peace authorities in case of necessity. We are at war and we are in combat zone. Defense of our homes against invasion is function of United States Army and Navy. Responsibility for defense of our shores, our State and Nation is Federal obligation for which every American in every State must share cost. I recommend in addition to setting up Guard for purpose outlined above Legislature memorialize Congress to immediately pass necessary legislation or appropriation for induction to armed forces under present Selective Service Act number of men necessary so Army and Navy may assume full responsibility in all combat zones for protection of our citizens.

FRANK N. BELGRANO
Past National Commander the American Legion

MOTION TO PRINT IN JOURNAL

Mr. Lyon moved that the following communication be read, ordered printed in the Journal, and that the Chief Clerk be instructed to transmit a copy of the communication to the office of The Adjutant General.

Motion carried.

SACRAMENTO, CALIFORNIA, January 15, 1942

*Honorable Gordon H. Garland**Speaker, Legislative Assembly, Sacramento, California*

Inasmuch as your honorable body is now considering the State Guard Bill, and in view of the fact that United States Army statistical reports show that the second largest number of discharges from the United States Army for disabilities incurred in the line of duty was due to foot conditions, I have been delegated as President of the California Association of Chiropodists, to offer the gratuitous services of the chiropodists to the personnel of the State Guard. We are prepared to treat all Guardsmen in clinics to be set up in our college in San Francisco and chiropody offices in other areas of the State. We are further prepared to delegate a chiropodist or chiropodists from our ranks to coordinate the clinical services with the Surgeon General of the State Guard.

DR. HAROLD M. HOGAN, Medico-Dental Building

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Crowley, Del Muto, Dickey, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Johnson, Kellems, Knight, T. Fenton; Leonard, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Poole, Robertson, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—Carlson, Collins, George D., Dills, Evans, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kepple, Kilpatrick, King, Knight, John B., Lowrey, Massion, Pelletier, Pfaff, Potter, Richie, and Russell—19.

Resolution ordered transmitted to the Senate.

Speaker Presiding

At 3.55 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 12—Relative to closing and delaying the opening of public schools.

Resolution read.

Demand for Previous Question

Messrs. Andreas, Hastain, Hawkins, Collins, Sam L., and Knight, John B., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Senate Concurrent Resolution No. 12.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dilworth, Donnelly, Field, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellems, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, McCollister, Miller,

Millington, Pfaff, Robertson, Russell, Salsman, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, and Mr. Speaker—42.

NOES—Burkhalter, Cain, Collins, George D., Del Mutolo, Dills, Doyle, Evans, Gaffney, Gundlock, Hawkins, King, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Sheridan, Tenney, Thomas, and Waters—23.

Resolution ordered transmitted to the Senate.

Hon. Rodney L. Turner, Presiding

At 4:45 p.m., Hon. Rodney L. Turner, Member of the Assembly from the Forty-first Assembly District, presiding.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Motion to Amend

Mr. Evans moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 16, of the printed measure, after "State," insert "receiving one hundred ninety-nine dollars (\$199) or less per month,".

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Dilworth, Donnelly, Evans, Hastain, Hawkins, Heisinger, Kilpatrick, Maloney, Massion, Meehan, O'Day, Pelletier, Pfaff, Poole, Richie, Robertson, Russell, Sawallisch, Thomas, and Turner—28.

NOES—Burns, Hugh M., Cain, Call, Carlson, Crowley, Daley, Desmond, Dickey, Dills, Doyle, Field, Gaffney, Gundlock, Houser, Frederick F., Howser, F. N., Johnson, King, Knight, T. Fenton, Leonard, Lyon, McCollister, Middough, Miller, Millington, Phillips, Potter, Salsman, Sheridan, Stream, Tenney, Thorp, Thurman, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—37.

Further consideration of Assembly Concurrent Resolution No. 14 deferred.

MOTION TO PRINT IN JOURNAL

Mr. Potter moved that the following communications be read, and ordered printed in the Journal:

Motion carried.

HOLLYWOOD, CALIFORNIA, January 15, 1942

Assemblyman Jack Tenney

State Legislature, Sacramento, California

Your correspondence is absolutely and irrevocably in favor of the State Guard but is not certain as to salary to be paid. Any action you may take in favor of the State Guard will be deeply appreciated by most sincerely

JOSEPH BASIL D'AMICO

Commander, Hollywood Post No. 43, American Legion

HOLLYWOOD, CALIFORNIA, January 3, 1942

Franklin J. Potter, Assemblyman of California

State House, Sacramento, California

DEAR COMRADE AND FRIEND: With regret I learned that our State Guard, a worthy organization, and one in which I believe, is seeking such unfair remuneration. Surely the morale of the officers and men of our regular armed forces would indeed become demoralized through indignation and justly so were the State Guardsmen to receive \$75 to \$100 per month and their officers to obtain the equivalent of the Nation's officers in the armed forces in actual combat and its attendant harrowing conditions. Certainly as an individual citizen I am not in favor of any such remuneration. Patriotism! What acts are committed in thy name!

Fraternally,

JOSEPH BASIL D'AMICO

Commander, Hollywood Post, American Legion

MOTION TO PRINT IN JOURNAL

Mr. Dills moved that a communication from Mr. C. S. Smith be ordered printed in the Journal.

Substitute Motion

Mr. Carlson moved, as a substitute motion, that the title of the sender of the communication, Lieutenant Colonel of the State Guard, be ordered printed in the Journal.

The roll was called, and the substitute motion lost by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Call, Carlson, Clarke, Daley, Del Mutolo, Desmond, Donnelly, Doyle, Field, Hastain, Heisinger, Houser, Frederick F., Johnson, Leonard, Middough, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, and Wollenberg—32.

NOES—Bashore, Burns, Hugh M., Cain, Collins, George D., Collins, Sam L., Crowley, Dills, Dilworth, Evans, Gaffney, Gunlock, Hawkins, Howser, F. N., Kellems, Kilpatrick, King, Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Pelletier, Poole, Richie, Robertson, Russell, Sawallisch, Tenney, Thomas, Waters, Weber, and Mr. Speaker—33.

Explanation of Vote

Person requesting permission to print telegram refused to permit explanation that author of telegram is Lieutenant Colonel in State Guard to be put in Journal.

H. W. CALL
A. W. CARLSON
JAMES PHILLIPS
SETH MILLINGTON

Motion to Print in Journal

Mr. Dills moved that the communication from Mr. C. S. Smith be ordered printed in the Journal.

Substitute Motion

Mr. Dilworth moved, as a substitute motion, that the communication be referred to the Committee on Rules.

The roll was called, and the substitute motion lost by the following vote:

AYES—Call, Carlson, Dilworth, Field, Hastain, Houser, Frederick F., Johnson, Meehan, Millington, Pelletier, Pfaff, Phillips, and Turner—13.

NOES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Kellems, Kilpatrick, King, Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Poole, Potter, Poulson, Richie, Robertson, Russell, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Waters, Watson, and Weybret—48.

The question being on the motion by Mr. Dills that the communication from Mr. C. S. Smith be ordered printed in the Journal.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Pfaff, Poole, Potter, Richie, Robertson, Russell, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—50.

NOES—Call, Carlson, Dilworth, Meehan, Millington, Pelletier, Phillips, and Stream—8.

COMPTON, CALIFORNIA, January 15, 1942

*Ralph C. Dills, Member of the Assembly
Sacramento, California*

The dividing of the State Guard into an active and inactive branch will more than double the cost of maintaining the Guard and will be almost impossible, as far as getting it to function, is concerned. The ban upon moving troops between counties will make it so clumsy and unwieldy as to be almost valueless from a practical standpoint. I do not know whose idea it was to divide the Guard into an active branch and a reserve branch but believe the real reason for such division is to render the Guard absolutely ineffective. If possible, do away with the two division part, and try and secure a maximum of 25,000 which can be used any time anywhere within the State. I do not believe more than 3,000 will have to be used at any time unless there is dire emergency. Present form of organization of the Guard can not be improved upon as it is a plan worked out by the War Department after many years of study.

C. S. SMITH

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 15, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the support of the State Controller, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation. Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Lee T. Bashore.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 15, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the support of the State Controller, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation. Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Norris Poulson.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 14, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined measures entitled as follows:

"An act making an appropriation for the additional support of the State Controller, to take effect immediately."

"An act making an appropriation for support of the State Controller, to take effect immediately."

"An act making an appropriation in augmentation of the Emergency Fund for unemployment relief auditing and the collection of unemployment relief refunds, to take effect immediately."

and report that in our opinion they appear to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Norris Poulson.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 55: By Mr. Bashore—An act making an appropriation for the support of the State Controller, to take effect immediately.

Without reference to committee.

Assembly Bill No. 56: By Mr. Poulson—An act making an appropriation for the support of the State Controller, to take effect immediately.

Without reference to committee.

Assembly Bill No. 57: By Mr. Poulson—An act making an appropriation for the additional support of the State Controller, to take effect immediately.

Without reference to committee.

Assembly Bill No. 58: By Mr. Poulson—An act making an appropriation for support of the State Controller, to take effect immediately.

Without reference to committee.

Assembly Bill No. 59: By Mr. Poulson—An act making an appropriation in augmentation of the Emergency Fund for unemployment relief auditing and the collection of unemployment relief refunds, to take effect immediately.

Without reference to committee.

Assembly Joint Resolution No. 22: By Messrs. Desmond and Maloney—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Referred to Committee on Rules.

MOTION TO PRINT IN JOURNAL

Mrs. Daley moved that the following Regulations for State Guards be ordered printed in the Journal:

Motion carried.

AR 850-250

ARMY REGULATIONS }
No. 850-250 }

WAR DEPARTMENT,
WASHINGTON, April 21, 1941.

Regulations for State Guards

	Paragraph
Purpose	1
Statutory authority	2
Status of State guard	3
State guard and Federal service	4
Employment, general	5
Employment in cooperation with Federal forces	6
Arms and equipment	7
Uniforms	8
Training	9
Correspondence and reports	10
Training texts and regulations	11

1. Purpose.—The purpose of these regulations is to render a brief account of the nature of the State guard; to indicate the assistance which the War Department has been authorized to furnish to the several States in the equipping, arming, and training of State guards; and to provide with respect to those forces such Federal regulations as are deemed necessary and appropriate under the law.

2. Statutory authority.—No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this Act: *Provided*, That nothing contained in this Act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary: *Provided further*, That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *And provided further*, That the Secretary of War in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State, upon requisition of the Governor thereof, such arms and equipment as may be in possession of and can be spared by the War Department. *Sec. 61, act June 3, 1916 (39 Stat. 198); 32 U. S. C. 194; M. L., 1939, sec. 1323, as amended by act October 21, 1940 (sec. 1, Bull. No. 36, W. D. 1940).*

3. Status of State guard.—*a. Force status.*—The State military force (State guard) contemplated by these regulations, organized under the provisions of the foregoing statutory authority and of the constitution and laws of the State concerned, is solely a State military organization. It is not subject to call, order, or draft, as such force, into the military service of the United States; nor is it subject to Federal regulation or control other than as provided expressly, or by reasonable implication, by the statute above quoted.

b. Soldier status.—The qualified consent of the Congress having been given to the maintenance by the States of "Troops * * * in time of Peace" (art. I, sec. 10, cl. 3, Federal Constitution), the member of the lawfully organized State guard is a soldier in the military service of his State. His status is not lost upon the onset of war; it is recognized as that of a lawful belligerent under the rules of war (par. 9a, FM 27-10). With respect to public domestic law, his status, rights, and liabilities (e. g., for torts committed while on State guard duty) are fixed by the laws of his State.

4. State guard and Federal service.—Membership in the State guard does not constitute ground for exemption from Federal military service under the Selective Training and Service Act of 1940 (act Sept. 16, 1940 (Bull. No. 25, W. D., 1940)) or other Federal law. Furthermore, such membership clearly would be incompatible with active service in the armed forces of the United States. Accordingly, the State authority concerned should provide for the prompt discharge from the State guard of such of its members as are inducted, enlisted, or otherwise engaged in the active military service of the United States.

5. Employment, general.—*a. Authority of the State.*—The State guard is an element of the executive department of the State government. It is employed by the Governor, or by such official as the Governor may designate, upon such missions and duties within the State as may be deemed appropriate, subject to the limitations imposed by law.

b. Limitations upon authority of the State.—Employment by the State of its State guard, or any part thereof, is limited, in general, only by pertinent provisions of the Federal Constitution (e. g., fourteenth amendment), by the territorial boundaries of the State, and by the supremacy of the Federal Government in its proper fields of action. The authority of the State to maintain its State guard ceases upon the relief from active Federal service of all elements of its National Guard.

6. Employment in cooperation with Federal forces.—*a.* It is imperative, in the interest of national defense, that the employment by the State of State guard organizations should not interfere with or impede Federal functions or activities. It is likewise essential that the State force, when functioning in its proper sphere, should be unhampered in fulfilling its mission. To the end that the interests of the United States and of the State be preserved, the highest degree of cooperation should be maintained between the Federal and local officials concerned.

b. One or other of two situations may arise in this regard. In one instance, Federal military forces and State guard units may be operating in the same locality. Although each force may be acting within its proper authority, and although no

question of conflict of responsibility may arise, the coordination of the activities of the respective forces is essential. In the other situation contemplated, conflict of views may exist as to the responsibility, whether Federal or State, for a particular mission. In such case, if the commanders of the Federal forces and the State authorities are unable to effect an agreement, the matter should be referred to the appropriate corps area commander whose decision on the employment of the Federal forces under his command is final. The State authorities should then conform to that decision in the light of the paramount Federal concern with the national defense.

7. Arms and equipment.—a. General.

- (1) The Secretary of War has been authorized (par. 2) to issue, in his discretion and under regulations determined by him, to any State upon requisition of its Governor, for the use of the military units contemplated herein, such arms and equipment as may be in possession of and can be spared by the War Department.
- (2) Lists of available Federal property, together with instructions pertaining thereto and a statement of conditions under which such arms and equipment may be used by the State, will be provided by the National Guard Bureau to each corps area commander.

b. Issue.—State requisitions for arms and equipment should be submitted to the appropriate corps area commander. Each such commander will provide and maintain the necessary facilities for the expeditious supply of authorized materials to State guard units within his corps area. Prior to furnishing arms and equipment upon requisition, he will ascertain whether proper State statutory authority exists for the organization and maintenance of the military force concerned, and whether the State has met the requirements upon which the issue and use of such property are conditioned.

c. Accountability and responsibility.

- (1) **General.**—All Federal arms and equipment issued to the State for the use of its State guard remain the property of the United States. The State must make adequate provision to account for such Federal property and to protect it from deterioration from loss or damage by theft or fire. The accounting system employed should conform to that of the United States property and disbursing officer. Pertinent provisions of Army Regulations and National Guard Regulations relating to accounting for and protecting Federal property should be observed.
- (2) **State guard property officer.**—The Governor of each State maintaining a State guard should appoint an appropriate official, to be designated the State guard property officer, authorized to requisition, receipt for, and accept Federal property for the State. The State guard property officer will make such returns and reports concerning Federal property received as may be required by the Secretary of War.
- (3) **Surety for issued Federal property.**—The issue of Federal arms and equipment to a State for the use of its State guard is subject to the acceptance by the War Department of a bond deemed by it adequate in all respects. Depending upon the value of the Federal property issued, the penalty of the bond to be required in each case will be determined by the War Department between a maximum limit of \$10,000 and a minimum limit of \$5,000. W. D., A. G. O. Form No. 601 (Bond Form for State Guard Property Officer) will be furnished upon request to the corps area commander.
- (4) **Disposition and replacement of damaged property.**—Pertinent provisions of Army Regulations and National Guard Regulations relating to the disposition and replacement of issued Federal property damaged or worn out through fair wear and tear in the military service should be observed.
- (5) **Relief of State guard property officer.**—Upon relief from office a State guard property officer may request by letter to the Secretary of War that his bond be terminated. In this letter the State property officer will give the date of the orders relieving him from duty and the date his property accountability was transferred to his successor.
- (6) **Transfer of accountability.**—When it is necessary that the accountability for Federal property in the possession of the State guards be transferred to a successor, the corps area commander will arrange the bonding of the successor without prior reference to the National Guard Bureau.

d. Acquisition of arms and equipment by the State from sources other than the War Department.—The War Department has no objection to open-market purchases by the State of such articles of arms and equipment as are not available for issue or sale by the War Department; nor does it object to contracts for the fabrication of necessary uniforms or equipment between the State and industrial establishments

not engaged in manufacturing supplies for the Federal forces. However, if supplies essential to the proper equipment and maintenance of the State guard can be secured only in competition with Federal procurement agencies, the State should refer the problem to the War Department (through the corps area commander) for its assistance in placing State contracts and in supervising manufacture, within the limits imposed by the War Department's own procurement problems.

8. Uniforms.—*a. General.*—The uniform prescribed and furnished by the State for its State guard should be unmistakably different from that of any Federal military force and from that heretofore authorized for certain units of the National Guard of the several States. Should the States call into their service men who have serviceable Army uniforms, such as former officers and enlisted men, the use of the Army uniform by such individuals is permitted upon compliance with the requirements outlined in *b, c, and d* below. Such action depends upon State approval.

b. Ease of identification.—The State guard uniform should permit ready identification of the wearer as a member of the State guard of his State. To this end the use of color material different from that of the Army uniform is encouraged.

c. Insignia.—Except insignia denoting grade and arm or service, the wearing of buttons, cap devices, and other insignia authorized for use on uniforms of the Federal forces (including the National Guard) is not permitted.

d. Sleeve braid.—Unless the State guard uniform is wholly unlike any uniform authorized for wear by Federal military forces, including the National Guard, distinctive sleeve braid should be—

- (1) Of any desired color except brown, gold, yellow, black, or forest green; and
- (2) Worn on all coats, overcoats, and shirts.

c. Procurement.—Uniforms will be furnished by the States without competing with the procurement of uniforms for Federal forces. The following procedure will govern:

- (1) Requests to purchase cloth and findings for State guard uniforms will be submitted to the War Department (through corps area commanders), listing types and quantities desired.
- (2) The Quartermaster General will determine whether types are available and can be sold (or manufactured) without conflict with the Federal program.
- (3) If not available, The Quartermaster General will advise States of available substitutes, or inform States that Federal demands preclude State procurement.
- (4) If desired cloth and findings (or substitutes) are available, The Quartermaster General will assist States in placing contracts and will supervise manufacture within limits imposed by the War Department procurement problem.

9. Training.—*a. General.*—The Secretary of War has been authorized (par. 2) to prescribe regulations for the discipline in training of the State military forces contemplated herein. Inasmuch as the types and numbers of State guard organizations, their nature with respect to arm or service, and their employment are to be determined by State authority in the light of local situations and conditions, War Department regulations are necessarily limited to an indication of the general type and course of training to be pursued. Fundamental fields of training are herein prescribed. For texts on basic doctrines, principles, and methods of training see paragraph 11. Detailed instructions for the training of State guard organizations are such as may be prescribed and published by State and State guard authorities responsible for the training of such organizations under the supervision of the corps area commander.

b. Functions of corps area commanders.—Corps area commanders will lend all possible assistance in the training of State guard units in their respective corps areas without further direction from higher authority. Each such commander will provide and maintain the necessary facilities for supervising such training, preferably in conjunction with the supply facilities to be established by him (par. 7b).

c. Scope of training.—Training should be planned and conducted with a view to the earliest preparation, consistent with thoroughness, of State guard organizations and members for the accomplishment of missions prescribed by competent authority. A single standard of individual proficiency should form the basis of all instruction within the unit, in order that all members of the unit shall have received essentially the same training. Training of the unit as a coordinated group should thus be more readily attained. The strength and nature, as to arm or service, of a State guard unit should be a factor in the determination of the type and degree of special training prescribed for the organization and its members.

d. Responsibility for training.—Training is a function of command. Each State guard unit commander, under the supervision of the next higher authority, is responsible for the discipline, morale, and training proficiency of his command. He should be permitted such freedom of selection of types and methods of instruction and such determination of the sequence and duration of instruction periods, as are consistent with his primary responsibility for the results attained.

e. Training objectives.—Training objectives should be prescribed by State authority, by the State guard commander, and by State guard unit commanders in the descending order of authority.

f. Minimum training requirements.—The training of each State guard unit and of each member thereof should be directed to the attainment of proficiency in the following subjects:

- (1) Basic disciplinary training of the soldier.
- (2) Physical training, personal hygiene, and first aid.
- (3) Their own interior economy and administration.
- (4) Their own shelter, supply, and movement.
- (5) Their own security.
- (6) Signal communication.
- (7) Protection against chemical agents.
- (8) The use of nontoxic gas and smoke.
- (9) The proper care and use of all weapons with which the unit is equipped.
- (10) Dismounted drill, to include the company.
- (11) Extended order drill.
- (12) Methods and formations for suppressing domestic disturbances.

10. Correspondence and reports.—*a. General.*—Army Regulations and National Guard Regulations relating to correspondence and reports should be observed wherever applicable. In order to avoid confusing administrative matters of the State guard with those of the Regular Army and the National Guard, forms, letterheads, and other printed, mimeographed, or typed communications should contain the official designation, conspicuously placed, of the State guard or State guard unit to which such papers pertain.

b. Channels of communication.

- (1) *National Guard Bureau.*—The National Guard Bureau has been designated by the War Department as its administrative agency in matters pertaining to the State guard. The Bureau will communicate direct with corps area commanders in such matters.
- (2) *Corps area commanders.*—Corps area commanders will submit official communications relating to State guard matters within their respective corps areas direct to the National Guard Bureau, except that when response to communications received from State authority may be made without reference to higher Federal authority, corps area commanders will reply direct to the State authority concerned.
- (3) *State authorities.*—State correspondence with Federal authorities in relation to State guard matters should be transmitted by the State authority direct to the corps area commander.

c. Strength returns.—Upon the organization of a State guard, the appropriate State authority should submit to the Chief of the National Guard Bureau, through the corps area commander, an initial consolidated strength return showing the numbers and types of units and the strength of each unit in officers and enlisted men. Returns thereafter should be submitted monthly.

11. Training texts and regulations.—Corps area commanders have available limited supplies of pertinent War Department training publications. Other such publications may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C. The following list includes manuals relating to subjects which are fundamental for State guards and to subjects which may be found desirable for study:

Manual No.:	Title
FM 21-6-----	List of Publications for Training. (Consult this publication for the latest published manual.)
FM 21-10-----	Military Sanitation and First Aid.
FM 21-15-----	Equipment, Clothing, and Tent Pitching.
FM 21-20-----	Physical Training.
FM 21-25-----	Map and Aerial Photograph Reading.
FM 21-40-----	Defense Against Chemical Attack.
FM 21-45-----	Scouting and Patrolling, Dismounted.
FM 21-50-----	Military Courtesy, Salutes, Honors, and Discipline.
FM 21-100-----	Soldier's Handbook.
FM 22-5-----	Infantry Drill Regulations.
FM 23-10-----	U. S. Rifle, Caliber .30, M1903.

FM 23-50----- Browning Machine Gun, Caliber .30 HB, M1919 A4 (Mounted
in Combat Vehicles).
FM 26-5----- Interior Guard Duty.
FM 27-15----- Domestic Disturbances.
FM 29-5----- Military Police.
[A. G. 324.4 (1-9-41).]

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

E. S. ADAMS,
Major General,
The Adjutant General.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 15, 1942

Members of the Senate and the Assembly of the California Legislature

GREETINGS: In my message to you, delivered at the opening of the present special session, December 19, 1941, I recommended that you appropriate the sum of \$9,250,000 to the regular State Emergency Fund, pointing out that it was impossible at that time, as it is impossible now, to predict all of the State's war emergency needs. However, neither this recommendation nor my recommendation that you appropriate \$17,500,000 for the support of the State Guard has yet been followed. Instead of following the purposes of the call and making an entire appropriation to the Emergency Fund for allotment to meet the requirements of the various departments and divisions of the State Government, you have also, I understand, passed some bills making specific appropriations directly to some of the departments; bills which are of doubtful validity because of the doubt, as a legal proposition, that they are within the scope of the call for this session. However, in addition to such direct appropriations as you may make to the departments, which I understand may total approximately \$5,000,000, there should be a total of \$10,000,000 appropriated to the Emergency Fund. I recommend this in the light of developments since my message to you on December 19th, and also for reasons given in my message to you on that date.

It is apparent now that the State Council of Defense will require several hundred thousand dollars for providing equipment and maintenance of air raid warning posts; that an indefinite amount will be required for maintaining tire rationing and automobile rationing services which the State is now called upon to perform; that additional Emergency Funds will be required by the Maritime Academy; that consideration should be given to any real need of cities and counties for State Emergency Fund aid, by way of furnishing equipment which local governments are unable to supply because of their financial conditions. Other emergency requirements which should be met for public safety will undoubtedly spring up, growing out of war conditions. Prudence and preparedness require the availability of an adequate Emergency Fund.

A failure to provide an ample and adequate, unrestricted Emergency Fund at this critical period would be a serious obstruction to the State of California in meeting its responsibilities for the protection of the lives and property of its citizens and for the performances of services which all States are called upon to perform in this total war. I therefore urge you, in addition to any direct appropriations which you may make to the departments or agencies of Government, that you appropriate to the State Emergency Fund a total of \$10,000,000.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Message read.

RECESS

At 5.50 p.m., on motion of Mr. Lyon, the Assembly recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolution ordered to second reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 36

Assembly Bill No. 44

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 17

Assembly Joint Resolution No. 21

Assembly Concurrent Resolution No. 21

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 30

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 11

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 30—An act making an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

Without reference to committee.

Senate Joint Resolution No. 11—Relative to the President's Birthday and the March of Dimes.

Request for Unanimous Consent

Mr. Lowrey asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 11, at this time, without reference to committee or file.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 11

Senate Joint Resolution No. 11—Relative to the President's Birthday and the March of Dimes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Kellems, Kilpatrick, Knight, John B., Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Richie, Robertson, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, and Mr. Speaker—56.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Call and Maloney:

House Resolution No. 58

Relative to the continuation of baseball games during the war emergency

WHEREAS, The National pastime of baseball provides interest, recreation, and outdoor relaxation for thousands of citizens, encourages sportsmanship, and constitutes an important factor in preserving the morale of the civilian population; and

WHEREAS, The induction of many outstanding baseball players into the armed forces of the United States, together with the cancellation of various sporting events because of apprehension for the safety of the civilian population, constitute a serious threat to the continuation of baseball games; and

WHEREAS, Good competition can be provided by the use of players in the upper and lower age brackets, without exempting from service any players capable of service in the armed forces, and the great National pastime, with all its benefits to morale, sportsmanship, and health maintained and continued; now, therefore, be it

Resolved, by the Assembly of the State of California, That we do hereby recommend that no scheduled baseball events be canceled except in case of absolute necessity, and we do hereby respectfully urge all authorities to make every effort to preserve and encourage this greatest of American sports; and be it further

Resolved, That the Chief Clerk of this Assembly is hereby directed to send copies of this resolution to the Secretary of War and Secretary of Navy of the United States, and to the Commanding General of the Fourth Army.

Request for Unanimous Consent

Mr. Call asked for, and was granted, unanimous consent to take up House Resolution No. 58, at this time, without reference to committee.

Resolution read and adopted.

By Committee on Rules:

House Resolution No. 59

Resolved, That the following named person be and he is hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite his name payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

Commencing Thursday, January 15, 1942

Per day

Allen Shelley, Page-----

\$2 50

LYON, Chairman
Committee on Rules

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 59, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Kellems, Kilpatrick, Knight, John B., Knight, T. Fenton; Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Richie, Robertson, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, and Mr. Speaker—54.

NOES—None.

By Mr. Michael J. Burns:

House Resolution No. 60

Relative to inclusion in call of item relating to acquisition and improvement of Crescent City pier

WHEREAS, It is very possible that another special session of this Legislature will be called to meet in the near future; and

WHEREAS, There exists at the City of Crescent City a situation demanding the most urgent attention, as follows: At the present time a privately owned pier located on city tidelands furnishes the only docking and landing facilities available for miles of the Northern California Coast. Its owner has been and is unable to maintain it in proper operating condition, the result of which is that the pier is in a state of disrepair rendering its use hazardous. This was made sadly evident recently when survivors of the S. S. Emidio, torpedoed off the coast, were forced to land at Eureka, a distance of 100 miles away, proper landing facilities being lacking at Crescent City. The wrecked hull of the S. S. Emidio is at the present time on a rock about 600 yards from the end of said pier.

The City of Crescent City is financially unable to repair and reconstruct this pier because of legal obstacles resulting from the structure being privately owned. The feasible solution seems to be for the State to acquire the pier, if only temporarily, so the State may properly repair said pier.

This is a project of urgent necessity in a war which is striking all along the entire Pacific Coast. That it is vital in defense and victory efforts is self-evident; now, therefore, be it

Resolved by the Assembly of the State of California, That the Governor is urged to include in any call for a future special session an item providing for authorizing acquisition and improvement of the pier at Crescent City in order that the situation described above may be remedied; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Governor.

Request for Unanimous Consent

Mr. Michael J. Burns asked for, and was granted, unanimous consent to take up House Resolution No. 60, at this time, without reference to committee.

Resolution read and adopted.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Johnson:

Resolved, That Senate Bill No. 31 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Phillips, Poole, Potter, Richie, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas,

Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—58.
 NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 31

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill No. 31—An act augmenting the Emergency Fund to provide money for the support of the University of California, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Cain, Call, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Phillips, Poole, Potter, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—58.

NOES—Field, Knight, John B., and Pfaff—3.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—61.

NOES—Collins, Sam L., Field, Howser, F. N., Knight, John B., and Pfaff—5.

Bill ordered transmitted to the Senate.

MOTION TO WITHDRAW SENATE BILL NO. 2 FROM COMMITTEE

In compliance with a notice given on a previous day, Mr. Bashore moved that Senate Bill No. 2 be withdrawn from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and be placed upon the file.

Demand for Previous Question

Messrs. Heisinger, Lowrey, McCollister, Cain and Gunlock demanded the previous question.

Demand for previous question sustained.

The question being on the motion to withdraw Senate Bill No. 2 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and be placed on file.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Bashore moved a call of the Assembly.

Motion carried. Time, 9.45 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

Motion to Dispense With Further Proceedings Under Call of the Assembly

Mr. Millington moved that further proceedings under the call of the Assembly be dispensed with, on Mr. Bashore's motion to withdraw Senate Bill No. 2 from committee, and have it placed on file.

The roll was called, and the motion lost by the following vote:

AYES—Burns, Hugh M., Call, Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Houser, Frederick F., Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Phillips, Potter, Poulson, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—34.

NOES—Allen, Andreas, Bashore, Burkhalter, Cain, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Salsman, Tenney, Thomas, Waters, and Welch—38.

Motion to Dispense With Further Proceedings Under Call of the Assembly

Mr. Millington moved that further proceedings under the call of the Assembly be dispensed with on the motion to withdraw Senate Bill No. 2 from committee.

The roll was called, and the motion carried by the following vote:

AYES—Burns, Hugh M., Call, Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Watson, Weybret, Wollenberg, and Mr. Speaker—36.

NOES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Howser, F. N., Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, Voigt, Waters, and Welch—35.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON MOTION TO WITHDRAW SENATE BILL NO. 2
FROM COMMITTEE**

The names of the absentees were called.

Call of the Assembly

Pending the announcement of the vote, Mr. Bashore moved a call of the Assembly.

Point of Order

Mr. Call arose to the following point of order: That there having been no intervening business, Mr. Bashore's motion was out of order.

The Speaker ruled the point of order well taken.

Appeal From Decision of the Chair

Mr. Bashore appealed from the decision of the Chair.

The question being: Shall the decision of the Chair be sustained?

The roll was called, and the decision of the Chair sustained by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Gaffney, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, O'Day, Pfaff, Phillips,

Potter, Poulson, Richie, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Watson, Weber, Welch, Weybret, and Wollenberg—47.

NOES—Andreas, Bashore, Burkhalter, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, Poole, Russell, Thomas, and Waters—21.

The names of the absentees were called, and the motion to withdraw Senate Bill No. 2 from committee lost by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pellerier, Poole, Richie, Robertson, Russell, Sawallisch, Tenney, Thomas, Voigt, Waters, and Welch—39.

NOES—Call, Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton, Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—35.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Lyon:

Resolved, That Senate Bill No. 29 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Desmond, Dickey, Dilworth, Donnelly, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pellerier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Wollenberg, and Mr. Speaker—65.

NOES—Evans—1.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and

555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Desmond, Dickey, Dilworth, Donnelly, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick P., Howser, P. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Wollenberg, and Mr. Speaker—65.

NOES—Evans—1.

Bill read third time.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to amend Sections 553.1, 555 and 556.1 of the Militia."

Amendment No. 2

In the title of the printed bill, as amended, strike out lines 2 to 6, inclusive.

Amendment No. 3

In line 7 of the title of the printed bill, as amended, strike out "sistent with such privileges, allowances, and rights."

Amendment No. 4

In lines 8 and 9 of the title of the printed bill, as amended, strike out "operation, maintenance and organization", and insert "equipment, support and maintenance".

Amendment No. 5

In lines 9 and 10 of the title of the printed bill, as amended, strike out "and providing for the expenditure thereof".

Amendment No. 6

On page 1 of the printed bill, as amended, strike out lines 1 to 19, inclusive.

Amendment No. 7

In the printed bill, as amended, strike out all of pages 2 to 7, inclusive.

Amendment No. 8

On page 8 of the printed bill, as amended, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. In addition to any other moneys available by law,".

Amendment No. 9

On page 8 of the printed bill, as amended, strike out lines 16 to 52, inclusive.

Amendment No. 10

On page 9 of the printed bill, as amended, strike out lines 1 to 11, inclusive, and insert

"SEC. 2. This act is hereby declared to be an urgency".

Amendment No. 11

On page 9 of the printed bill, as amended, strike out lines 17 to 49, inclusive, and insert

"The United States is at war and the State of California is in an area designated as a combat zone, which necessitates immediately making available money for the adequate support of an effective State Guard to meet the demands of State and

National defense. Making these funds available to the State Guard will enable it to perform its vital functions properly in this critical period."

Amendments read.

Demand for Previous Question

Messrs. Turner, Johnson, Thorp, Collins, Sam L., and Dilworth demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Senate Bill No. 29.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, Waters, and Welch—32.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

Motion to Set Special Order

Mr. Maloney moved that further consideration of Senate Bill No. 29, and proposed amendments, be made a special order of business for Friday, January 16, 1942, at 10 a.m.

Demand for Previous Question

Messrs. Johnson, Thomas, Stream, Sheridan and Watson demanded the previous question.

Demand for previous question sustained.

The question being on the motion to set Senate Bill No. 29 for special order of business for Friday, January 16, 1942, at 10 a.m.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—71.

NOES—None.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 15, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the support of the State Board of Equalization, declaring the urgency of this act, to take effect immediately," and report that in our opinion it appears to be within the scope of the Proclamation

Very truly yours,

FRED B. WOOD, Legislative Counsel
By **C. H. LANGSTAFF, Chief Deputy**

Copy to Honorable Harrison W. Call, Honorable Hugh M. Burns, Honorable Harold F. Sawallisch.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bills were introduced, and read the first time:

Assembly Bill No. 60: By Messrs. Call, Burns, Hugh M., and Sawallisch—An act making an appropriation for the support of the State Board of Equalization, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 24: By Messrs. Voigt, Thomas, Heisinger, Burns, Michael J., Crowley and Doyle—Relative to temporary four-lane highways.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 25: By Messrs. Desmond and Thurman—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Joint Resolution No. 19
And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolution ordered to third reading.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY CONCURRENT
RESOLUTION NO. 8 FROM COMMITTEE CONTINUED**

Mr. Kilpatrick moved that his notice of motion to withdraw Assembly Concurrent Resolution No. 8 from Committee on Rules be continued to the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Bashore, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Delia Smith.

On request of Mrs. Daley and Mr. Kilpatrick, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Private Harvey Kier, Company C, 205th Q. M. Battalion, State Fair Grounds, Sacramento.

On request of Mr. Donnelly, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Wayne Baldridge, Department Chairman of Radical Research for American Legion and former Mayor of Ceres.

ADJOURNMENT

At 11 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10 a.m., Friday, January 16, 1942.

C. WILLIAM QUEALE, Minute Clerk



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

NINTH LEGISLATIVE DAY
 TWENTY-NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
 Friday, January 16, 1942

The Assembly met at 10 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
 Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—74.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mrs. Daley.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Bill No. 60

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Ways and Means.

LYON, Chairman

Above reported bill re-referred to Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 25

Assembly Joint Resolution No. 22

Assembly Concurrent Resolution No. 24

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

SECOND READING OF ASSEMBLY BILLS—(OUT OF ORDER)

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 22—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Resolution read, and ordered engrossed.

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways.

Resolution read, and ordered engrossed.

RESOLUTIONS

The following resolution was offered:

By Mr. Bashore:

House Resolution No. 61

WHEREAS, There have appeared today in the public press articles stating that girls and women would soon be employed by the telegraph companies to deliver messages; and

WHEREAS, It would be contrary to the public interest that women should be required to enter places of questionable repute or where intoxicating liquors are sold; now, therefore, be it

Resolved by the Assembly of the State of California, That all telegraph companies who employ women be requested to refrain from sending any woman messenger to deliver telegrams or messages to any place of questionable repute; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to prepare and send copies of this resolution to the Western Union and Postal Telegraph Companies.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 53—An act making an appropriation for the State Guard, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 54—An act making an appropriation for the support of the Division of Fire Safety, Department of Industrial Relations, prescribing conditions, restrictions and limitations as to the expenditure thereof, declaring the urgency of this act and that it take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 57—An act making an appropriation for the additional support of the State Controller, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 58—An act making an appropriation for support of the State Controller, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 59—An act making an appropriation in augmentation of the Emergency Fund for unemployment relief auditing and the collection of unemployment relief refunds, to take effect immediately.

Bill read second time, and ordered engrossed.

SECOND READING OF SENATE BILLS

Senate Bill No. 30—An act making an appropriation to the Division of Water Resources in connection with its functions as to water systems, including dams and reservoirs, to take effect immediately.

Bill read second time, and ordered to third reading.

CONSIDERATION OF SPECIAL ORDER

The hour of 10 a.m. having arrived, consideration of Senate Bill No. 29 was taken up.

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Section 555.2 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Wollenberg moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 1 to 7, inclusive, and insert

"An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making".

Amendment No. 2

On page 1 of the printed bill, strike out lines 3 to 19, inclusive; strike out all of pages 2 to 7, inclusive; and on page 8, strike out lines 1 to 29, inclusive, and insert

"553.1. No person shall serve in or be a member of the State Guard unless he is a citizen of the United States. In applying the provisions of this chapter, no person shall be discriminated against because of race.

Sec. 2. Section 555 of the Military and Veterans Code is hereby amended to read as follows:

555. (a) The members of the State Guard or a licensed Military company when called into active service by order of the Governor shall be subject to all Military penalties and punishments for violation of the orders of the Governor, or of any officer placed in command of such organization by order of the Governor, as are the members of the National Guard. They shall be subject to the Articles of War and the rules and regulations governing the National Guard. Members of a licensed Military company shall receive the same pay and allowance while in active service as the members of the National Guard.

(b) Commissioned officers of the State Guard while in active service shall be paid a salary equivalent to the base pay only of officers of the same rank or grade in the United States Army.

No commissioned officer shall receive or be entitled to any additional salary, compensation or allowance, except commutation of rations, other than the salaries provided by this subdivision (b), except that any officer traveling on State Guard business may be reimbursed for his actual and necessary expenses on the same basis as is provided for other State officers.

Enlisted men of the State Guard when in active service shall be paid two dollars (\$2) per day for the first 30 days of active service. The pay per day for the first 30 days of active service of enlisted men above the rank of private when in active service shall be as follows:

Privates First Class.....	\$2.20
Corporals	2.40
Sergeants	2.60
Staff Sergeants	2.80
First Sergeants and Technical Sergeants.....	3.00
Master Sergeants	3.25

When an enlisted man has been in active service for a period totaling 30 days in any calendar year, he shall thereafter be paid a salary equivalent to the base pay only of an enlisted man of the same rank or grade in the United States Army.

Commutation of rations, if allowed to any officer or enlisted man, shall not exceed one dollar and twenty cents (\$1.20) per day.

Officers and enlisted men in the nautical and marine force when in active service shall receive the same pay and allowances as is provided in this section for officers and enlisted men of comparable rank or grade in the Infantry.

Sec. 3. Section 555.2 is hereby added to the Military and Veterans Code, to read as follows:

555.2. Officers and enlisted men in the State Guard shall not be required to perform full-time active service except within the limitations provided in this code. Each officer and enlisted man who is now in the State Guard shall have the right to determine whether he desires to be enrolled in the active membership or in the reserve forces of the State Guard. Officers and enlisted men who hereafter become members of the State Guard shall be enrolled either in the active membership or in the reserve forces as may be indicated by them, within the maximum numerical limitations provided in this section. In order that the privileges and rights of the members of the State Guard in this respect may be exercised as completely as possible consistent with the need of the State for an adequate mobile force available for general duty and a sufficient reserve force in the State Guard to meet any emergency that may arise, to the end that the State Guard may effectively perform its functions in protecting the people of this State, the State Guard shall be reorganized and administered as provided in this section and in accordance with the provisions of this code not inconsistent with this section.

(a) The State Guard is part of the active Militia of the State. All of the members of the State Guard are hereby declared to be engaged in Military service within the meaning of that term as used in Article XXIV of the Constitution of this State and are exempt from civil service.

The State Guard shall consist only of the following:

1. The Adjutant General, and the commissioned and enlisted personnel comprising his staff.

2. Infantry, consisting of not more than 13 regiments.

3. The nautical and marine force with an enlisted strength not in excess of 700 men, consisting of not more than five naval units and two companies of marines.

(b) 1. The Adjutant General shall organize not more than 13 regiments of infantry in the State Guard of a maximum strength of not more than 2,160 enlisted men in each regiment. Of this number, not more than 720 men shall constitute the active membership, and the remainder shall constitute the reserve forces. Each regiment shall consist of three battalions of not exceeding four companies in each battalion.

For each regiment there shall be one colonel or lieutenant colonel, not exceeding three majors, one officer having the rank of not higher than captain who shall act as regimental adjutant and supply officer, three medical officers having the rank of not higher than captain, and one chaplain with the rank of first lieutenant.

Each regiment shall have one regimental staff sergeant and one regimental supply sergeant, and each battalion shall have one sergeant major.

Each company shall consist of not more than 60 enlisted men constituting its active membership, and, in addition, not to exceed 120 men organized into four platoons constituting the reserve force. The reserve force of a company may consist of platoons organized in different counties, but all of the membership of a reserve force platoon shall consist of men enlisted in the same county.

Each company shall be commanded by a captain or first lieutenant and shall have one lieutenant in addition thereto. The noncommissioned officers for the active membership in each company shall be one first sergeant, three duty sergeants and six corporals. In addition thereto there shall be appointed for each company one lieutenant for each platoon of the reserve force, together with the necessary noncommissioned officers therefor. Commissioned officers in command of reserve force platoons shall constitute a part of the reserve force.

The Adjutant General may designate any regimental commander as an area commander and shall prescribe his duties, but such officer shall not receive any additional compensation.

2. The Adjutant General may organize the nautical and marine force of the State Guard into not more than five separate naval units designated "ship's companies" and not more than two separate companies of marines.

Each ship's company shall consist of not more than 100 enlisted men. The officers of a ship's company shall be one lieutenant senior grade, two lieutenants junior grade, and three ensigns. Warrant officers and rated men selected from the enlisted men of a ship's company shall be of the same number and grades as are prescribed by the laws and regulations of the United States for similar organizations of the United States Navy.

Each company of marines shall consist of not more than 100 enlisted men. Each company shall be commanded by a captain or first lieutenant and shall have not to exceed three lieutenants in addition thereto. The noncommissioned officers for each company of marines shall be of the same number and grades as are authorized or prescribed by the laws and regulations of the United States for companies of marines of comparable strength.

A chaplain with the rank of lieutenant junior grade shall be appointed for the nautical and marine force.

Within the numerical limit on the maximum strength of the nautical and marine forces, the units thereof shall consist of such number of the active membership or of the reserve force, or both, as may be determined by The Adjutant General, but the total active membership of the infantry regiments shall be reduced by the number of men in the nautical and marine force who comprise a part of the active membership of the State Guard. All of the provisions of law relating to the State Guard and the members thereof are applicable to the nautical and marine force except as otherwise expressly provided.

(c) No officer or enlisted man in either the active membership or the reserve force shall be paid except for the period of his active, full-time service, but all members of the State Guard, whether in the active membership or the reserve forces, shall be paid for their full-time active service.

(d) 1. If the Governor by Proclamation declares any county or city or portion thereof to be in a state of insurrection, as provided in Section 143 of the Military and Veterans Code, or if the State is actually invaded by a foreign enemy force, he may call into active service all or any part of the active membership of the State Guard not then on duty and, in addition thereto, such portion or all of the reserve force as he may deem necessary, to serve until the termination of the state of insurrection or the invasion.

2. During such time as the United States is engaged in war the Governor, in addition to his power to call forth the Militia either under Section 1 of Article VIII of the Constitution or as provided in paragraph 1 of this subdivision (d), shall have power to call into full-time active service such part of the active membership of the State Guard, not exceeding 5,000 enlisted men together with the officers provided therefor, for service in any part of the State for the performance of such duties as may be necessary. The provisions of this paragraph constitute a limitation upon the power to call the State Guard into active service under Section 554.

3. In addition to the men in active service as provided in paragraph 2 of this subdivision (d), in each regiment not to exceed three officers and not more than 12 enlisted men may be called into active service on a full-time basis for the administration of the regiment.

4. The members of any unit of the State Guard, including both the active membership and the reserve forces, may at any time voluntarily serve on limited active duty, without compensation of any kind, pursuant to the authorization thereof by the Governor or The Adjutant General and subject to such general or special orders

as the Governor or The Adjutant General may issue, whenever such service is requested by a sheriff or chief of police for assistance in connection with National defense problems.

(e) Any person appointed and commissioned an officer of the State Guard shall successfully pass such tests as to his physical, moral and professional fitness as The Adjutant General may prescribe. Officers of the rank of captain or higher, other than medical officers, shall have had active commissioned service, either in the Army of the United States or the United States Marine Corps in command of troops in one of the combatant arms or in the United States Navy, or shall have had at least one year of commissioned service in the State Guard. Commissioned officers shall have the same qualifications as are required of commissioned officers in the United States Army in any case where professional qualifications, other than Military, are prescribed by Federal law, rules or regulations for such officers. The examination to determine the qualifications for commissions of officers shall be conducted by a board of three commissioned officers appointed by The Adjutant General.

The Adjutant General shall remove and release from active service any officer now in the State Guard who does not have the qualifications provided in this subdivision (e). The Adjutant General, with the approval of the Governor, shall remove or release such number of officers and enlisted men of the several ranks or grades as may be necessary to reduce the total number thereof to the maximum number authorized by this section, and in doing so shall be guided by the records of efficiency, training and experience of the officers and men to the end that a high standard of efficiency and experience shall be maintained in the State Guard. Each member now in the State Guard shall elect in writing whether he desires to serve in the active State Guard or the reserve force thereof and shall thereupon and within 30 days after the effective date of this section be transferred in accordance with such election, within the maximum numerical limits of each as provided herein.

At any time the moral character, capacity and general fitness for the service of any State Guard officer may be determined by an efficiency board of three commissioned officers senior in rank to the officer whose fitness for service shall be under investigation, such board to be appointed by The Adjutant General, and if the findings of such board be unfavorable to such officer and be approved by The Adjutant General and the Governor he shall be discharged.

(f) No member of the State Guard shall by reason of service therein be entitled to any pension, bounty, bonus, or gratuity, and no member shall be entitled to workmen's compensation insurance benefits by reason of service in the State Guard except for traumatic injuries incurred as a direct result of active service therein in time of war or National emergency.

SEC. 4. Section 555.5 is hereby added to the Military and Veterans Code, to read as follows:

555.5. Upon request of a regimental commander the governing board of any school district may permit the State Guard to use any school bus owned by the district, without charge, for the transportation of members of the State Guard engaged in State Guard activities. Such use of any school bus by the State Guard shall not impose any liability by reason thereof upon the district or the members of the governing board thereof.

SEC. 5. Section 556.1 of said code is hereby amended to read as follows:

556.1. The Governor is authorized to organize and maintain a State Guard within the limitations thereon provided in this chapter.

SEC. 5.1. Section 556.3 is hereby added to said code, to read as follows:

556.3. The shoulder ornament required by Section 556.2 as part of the uniform of members of the State Guard shall be blue in color with the words "State Guard" lettered thereon. Such ornaments shall forthwith be supplied to and worn by all members of the State Guard.

SEC. 5.2. Section 556.4 is hereby added to said code, to read as follows:

556.4. No officer or member of the State Guard shall be paid for active service at any time subsequent to 120 days after the effective date of any Federal law providing for the organization of State or home guards under the direction or control of the United States Government.

SEC. 5.5. Section 555.6 is hereby added to said code, to read as follows:

555.6. (a) Members of the State Guard shall have the right to unemployment insurance benefits and it is the purpose of this section to provide such benefits without loss because of active service with the State Guard.

(b) Benefit rights of members of the State Guard shall be determined in accordance with the provisions of the Unemployment Insurance Act, except as otherwise provided in this section.

(c) Where there are 45 days (hereinafter referred to as the minimum period) or more of active service within any calendar quarter of the base period as determined under Section 52.2 of the Unemployment Insurance Act, then his benefits shall be determined under whichever of the following methods results in the higher maximum total amount of benefits payable:

1. The base period is to be determined in accordance with Section 52.2 of the Unemployment Insurance Act.

2. (i) The base period is to consist of the first four out of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that every calendar quarter in which the individual was in active service with the State Guard for the minimum period or more days shall be excluded from the base period and, in lieu of each excluded calendar quarter, a calendar quarter prior to the normal base period shall be considered until there are four calendar quarters, none of which contain the minimum period or more days of active service in the State Guard, from which to determine his benefits.

(ii) Where benefits are computed and paid upon the basis provided in subparagraph (i), that proportion of benefits based upon quarters within the normal base period as defined in Section 52.2 of the Unemployment Insurance Act, shall be charged against the account of employers employing the individual during the normal base period quarters and that proportion of benefits based upon quarters outside the normal base period shall not be charged against any employer.

(d) If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of active service in the State Guard are payable by the United States, an individual shall be disqualified for benefits with respect to any week for which he receives such payments and no benefits shall be paid under the Unemployment Insurance Act until he has exhausted all his rights to such payments from the United States.

SEC. 6. In addition to any other moneys available by law, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of seven million, nine hundred thirty-four thousand, three hundred sixty-five dollars (\$7,934,365) to be expended during the Ninety-third and Ninety-fourth Fiscal Years for the equipment, support and maintenance of the State Guard, including not to exceed eight thousand five hundred dollars (\$8,500) for the administrative expenses of the State Controller in connection therewith.

None of the money appropriated by this act shall be available for payment of the salaries of the personnel comprising the staff of The Adjutant General, but such salaries shall be paid from funds heretofore made available for that purpose.

No part of the appropriation made by this act shall be available or shall be expended for payment to any commissioned officer of a salary or allowance in excess of salary and allowance for such officer as set forth in Section 555 of the Military and Veterans Code as amended by Section 2 of this act."

Amendments read.

Motion to Consider Amendments as a Single Unit

Mr. Johnson moved that the amendments by Mr. Wollenberg to Senate Bill No. 29 be considered as a group instead of singly.

Motion carried.

Demand for Previous Question

Messrs. Turner, Collins, Sam L., Phillips, Carlson and Dills demanded the previous question.

The roll was called, and the demand for the previous question not sustained by the following vote:

AYES—Burns, Michael J., Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dickey, Field, Hastain, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, Miller, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Stream, Thorp, Turner, Waters, Weybret, and Mr. Speaker—30.

NOES—Andreas, Bashore, Burkhalter, Collins, George D., Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Houser, Frederick F., Kilpatrick, King, Knight, T. Fenton; Lowrey, Maloney, Massion, Meehan, Middough, Millington, O'Day, Poole, Richie, Robertson, Russell, Tenney, Thomas, Thurman, Watson, Weber, Welch, and Wollenberg—32.

Hon. Hugh M. Burns, Presiding

At 11.10 a.m., Hon. Hugh M. Burns, Member of the Assembly from the Thirty-sixth Assembly District, presiding.

Demand for Previous Question

Messrs. Field, Potter, Collins, Sam L., Call and Knight, John B., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Senate Bill No. 29.

The roll was called, and the amendments adopted by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Houser, F. N., Johnson, Kellens, Kepple, Knight, John B., Knight, T., Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Muto, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Richie, Robertson, Russell, Tenney, Thomas, and Welch—28.

Senate Bill No. 29 ordered reprinted, and to third reading.

Speaker Presiding

At 11.35 a.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 53	Assembly Bill No. 57
Assembly Bill No. 54	Assembly Bill No. 58
Assembly Bill No. 55	Assembly Bill No. 59
Assembly Bill No. 56	
Assembly Concurrent Resolution No. 24	
Assembly Concurrent Resolution No. 25	
Assembly Joint Resolution No. 22	

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 49—An act making an appropriation to the Division of Mines of the Department of Natural Resources, to take effect immediately; And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 44—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately;

Assembly Concurrent Resolution No. 21—With respect to self-help cooperatives;

Assembly Joint Resolution No. 17—Relative to flood control on the Sacramento River;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 46—An act making an appropriation for the support of the Attorney General, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 47—An act making an appropriation for the support of the Bureau of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 48—An act making an appropriation for the support of the Division of Beaches and Parks, Department of Natural Resources, declaring the urgency of this act, to take effect immediately; And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 41—An act making an appropriation for the support of the Parole Department, State Board of Prison Directors, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 42—An act making an appropriation in augmentation of the special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 43—An act making an appropriation for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately;
And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 11—Relative to nondeductible income of recipients of old age assistance;
And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 21—Relative to manpower, production and the war;
And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 11 a.m.

JOHN B. KNIGHT, Chairman

RECESS

At 12.30 p.m., on motion of Mr. Lyon, the Assembly recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Request for Unanimous Consent

Mr. Johnson asked for, and was granted, unanimous consent that the proposed amendments to Senate Bill No. 29 be considered seriatim, and that if any amendments be adopted, consideration of further amendments be continued without sending the bill to reprint, until such time as, after one amendment be adopted, another amendment to the same section or portion of the bill, conflicting with the amendment already adopted, might be proposed.

Motion to Amend

Mr. Robertson moved the adoption of the following amendment:

Amendment No. 1

On page 10 of the printed bill, as amended, between lines 36 and 37, insert
 "If it appears to be in the best interests of the State to enlarge the reserve force of any regiment or company beyond the maximum strength provided in this subdivision, The Adjutant General may provide for the organization of additional platoons of the reserve force, to be attached to such company or companies as he may designate."

Amendment read and adopted.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

In line 9 of the title of the printed bill, as amended, after "thereof," insert "relating to political activities by members of the State Guard,".

Amendment No. 2

On page 15 of the printed bill, as amended, between lines 28 and 29, insert
 "SEC. 7.5. As used in this section of this act "person" means "any member of the State Guard."

It shall be unlawful for any person to intimidate, threaten, or coerce, or to attempt to intimidate, threaten, or coerce any individual for the purpose of interfering with the rights of the individual to vote or to vote as he may choose, or to cause such individual to vote for or not to vote for any candidate at any election held in this State.

It shall be unlawful for any person to use his official authority for the purpose of interfering with or affecting the election or the nomination of any candidate for any office elected by the qualified electors or voters of this State.

It shall be unlawful for any person directly or indirectly to promise any employment, position, work, compensation, or other benefits provided for or made possible in whole or in part by the Constitution or any act of this State to any individual as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election held in this State.

It shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive by any means any individual of any employment, position, work, compensation or other benefit provided for or made possible by any act of this State, on account of race, creed, color, or any political activity, support of, or opposition to, any candidates or any political party in any election held in this State.

It shall be unlawful for any person to solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any individual known by him to be entitled to or receiving compensation, employment, or other benefit provided for or made possible by any act of this State appropriating funds for State Guard purposes.

It shall be unlawful for any person for political purposes to furnish or to disclose or to aid or assist in furnishing or disclosing any list of names of individuals receiving compensation, employment, or benefit provided for or made possible by any act of this State appropriating or authorizing the appropriation of funds, to a political candidate, committee, campaign manager or to any individual for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes.

No part of any appropriation made by any act of this State heretofore or hereafter enacted, making appropriations for the equipment, support, or maintenance of the State Guard shall be used for the purpose of, and no authority conferred by any such act upon any person shall be exercised or administered for the purpose of, interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election.

Any person who violates any of the foregoing provisions of this section is guilty of a felony.

It shall be unlawful for any person employed in any capacity by any agency of this State whose compensation or any part thereof is paid from funds authorized or appropriated by any act of this State to have membership in any political party or organization which advocates the overthrow of the Government of this State or of the United States.

Any person violating the provisions of the next preceding paragraph shall be immediately and automatically removed from the office or position held by him, and thereafter no part of the funds appropriated by any act of this State for the office or position which he held shall be used to pay the compensation of the person.

All the provisions of this section shall be in addition to, not in substitution for, any other provision of law."

Amendments read.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Collins, George D., Crowley, Del Mutolo, Doyle, Evans, Hawkins, Kilpatrick, Massion, O'Day, Pelletier, Poole, Russell, Sheridan, and Thomas—17.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Dickey, Dills, Dilworth, Field, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—48.

Motion to Amend

Mr. Gaffney moved the adoption of the following amendment:

Amendment No. 1

On page 10 of the printed bill, as amended, between lines 3 and 4, insert

"Medical Corps	1,296 officers and men
Motor Transport Corps.....	315 officers and men
Headquarters Company, Adjutant General's Office	100 officers and men
Signal Corps	320 officers and men
Ordnance Corps	208 officers and men
Sanitary Corps	320 officers and men
Evacuation Unit	771 officers and men
Air Corps	1,170 officers and men
Engineering Corps	771 officers and men."

Amendment read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 3.29 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON AMENDMENT TO SENATE BILL NO. 29

At 3.30 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the amendment to Senate Bill No. 29 refused adoption by the following vote:

AYES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Richie, Robertson, Russell, Tenney, and Thomas—25.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Doyle, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—43.

Call of the Assembly

Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 3.33 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Bashore, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on proposed amendments to Senate Bill No. 29.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

On page 10 of the printed bill, as amended, between lines 3 and 4, insert "4. Auxiliary units comprising part of the reserve forces as provided in this section."

Amendment No. 2

On page 11 of the printed bill, as amended, between lines 21 and 22, insert "3. The Adjutant General, with the approval of the Governor, may also organize such ambulance, nursing and medical units as he deems necessary, such units to be composed of men or women or both, and to comprise part of the reserve forces. The members of such ambulance, nursing, and medical units shall be subject to call for active duty under the same terms and conditions as provided herein for the remainder of the reserve forces. When so called to active duty the officers and enlisted members shall receive the same pay as other members of the State Guard of the same rank and grade."

Amendments read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Bashore moved a call of the Assembly.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Kellems, King, Knight, John B., Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Poole, Poulson, Robertson, Russell, Stream, Tenney, Thomas, Waters, Welch, and Mr. Speaker—41.

NOES—Allen, Call, Carlson, Collins, Sam L., Dickey, Johnson, Kepple, Knight, T. Fenton, Millington, Pfaff, Potter, Richie, Salsman, Sheridan, Thorp, Turner, Watson, Weber, Weybret, and Wollenberg—20.

Time, 4 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON AMENDMENTS TO SENATE BILL NO. 29

At 4.05 p.m., on motion of Mr. Bashore, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Kellem, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, O'Day, Pelletier, Poole, Robertson, Russell, Tenney, Thomas, Welch, and Mr. Speaker—35.

NOES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Desmond, Dickey, Dilworth, Doyle, Field, Hastain, Howser, F. N., Johnson, Keple, Knight, John B., Knight, T. Fenton; Leonard, Millington, Pfaff, Phillips, Potter, Poulson, Richie, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, and Wollenberg—37.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Donnelly moved the adoption of the following amendments:

Amendment No. 1

On page 8 of the printed bill, as amended, strike out lines 46 and 47; and on page 9, strike out line 1, and insert "be paid two dollars (\$2) per day. The pay per day of enlisted men above the rank of private when in active".

Amendment No. 2

On page 9 of the printed bill, as amended, strike out lines 9 to 12, inclusive.

Amendment No. 3

On page 9, line 16, of the printed bill, as amended, strike out "Officers and enlisted men", and insert "Commissioned officers".

Amendment No. 4

On page 9, lines 18 and 19, of the printed bill, as amended, strike out "and enlisted men".

Demand for Previous Question

Messrs. Andreas, Sheridan, Robertson, Howser, F. N., and Kilpatrick demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Senate Bill No. 29.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Richie, Robertson, Russell, Salsman, Tenney, Thomas, and Welch—33.

NOES—Allen, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—38.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Charles W. Lyon.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Jeanette E. Daley, Assembly Chamber
State Capitol, Sacramento, California*

REQUEST: No. 4895

DEAR MRS. DALEY: You have requested that we advise you whether the attached bill entitled

"An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately."

is within the scope of the Governor's Proclamation convening the Legislature in special session.

We are of the opinion that this bill is included within the subject expressed in Item 2 of the Governor's Proclamation. It makes an appropriation to the Emergency Fund, and the remaining provisions are restrictions on the expenditure thereof.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By NORMAN MELLER, Deputy

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined the measures entitled

"An act augmenting the Emergency Fund to provide additional support for the Department of Social Welfare, declaring the urgency thereof, to take effect immediately,"

"An act augmenting the Emergency Fund to provide additional funds for the administrative expenses of the State Department of Social Welfare for the operation of the Federal stamp and surplus commodity distribution plans, declaring the urgency thereof, to take effect immediately,"

and

"An act augmenting the Emergency Fund to provide additional funds for the expenses of the State Department of Social Welfare for administrative costs incurred by the department in connection with, and sponsorship contributions for, Federal public assistance programs, declaring the urgency thereof, to take effect immediately."

and report that in our opinion they appear to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable John W. Evans.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Emergency Fund for the payment of vacation claims as therein specified, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Edward F. O'Day.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 61: By Mr. Lyon—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Without reference to committee.

Assembly Bill No. 62: By Mr. O'Day—An act making an appropriation to the Emergency Fund for the payment of vacation claims as therein specified, to take effect immediately.

Without reference to committee.

Assembly Bill No. 63: By Mrs. Daley and Messrs. Weybret, Phillips, Gaffney, Allen, Stream, Howser, F. N., Kellems, Poole, Leonard, Garland, Hastain, Dickey and Salsman—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Without reference to committee.

Assembly Bill No. 64: By Mr. Evans—An act augmenting the Emergency Fund to provide additional funds for the expenses of the State Department of Social Welfare for administrative costs incurred by the department in connection with, and sponsorship contributions for, Federal Public Assistance Programs, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Assembly Bill No. 65: By Mr. Evans—An act augmenting the Emergency Fund to provide additional funds for the administrative expenses of the State Department of Social Welfare for the operation of the Federal Stamp and Surplus Commodity Distribution Plans, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Assembly Bill No. 66: By Mr. Evans—An act augmenting the Emergency Fund to provide additional support for the Department of Social Welfare, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Assembly Joint Resolution No. 23: By Mr. Dilworth—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley.

Without reference to committee.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Bashore moved the adoption of the following amendment:

Amendment No. 1

On page 8, line 18, of the printed bill, strike out the period, and insert "or unless he has declared his intention to become a citizen of the United States."

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Bashore, Collins, George D., Del Mutolo, Hawkins, Kilpatrick, King, Meehan, O'Day, Poole, Richie, Russell, Tenney, and Thomas—13.

NOES—Allen, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Miller, Millington, Pelletier, Pfaff, Phillips, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

Motion to Amend

Mr. Thomas moved the adoption of the following amendment:

Amendment No. 1

On page 9 of the printed bill, as amended, between lines 8 and 9, insert

"In addition to the pay provided for in this chapter, an enlisted man in the State Guard when called into active service shall receive an allowance (not in any case to exceed thirty-five dollars (\$35) per month) for the support of actual dependents as follows:

(a) For the first dependent at the rate of fifteen dollars (\$15) per month for the period of time served;

(b) For each of the next two dependents at the rate of ten dollars (\$10) per month for the period of time served.

A dependent is the wife of the enlisted man, a child under the age of 21, or the mother, father, or other person, whether related to the enlisted man or not, and whether living with him or not, dependent upon and receiving his chief support from the enlisted man, provided such mother, father, or other person is incapable of self-support because mentally or physically defective."

Amendment read.

Demand for Previous Question

Messrs. Howser, F. N., Sheridan, Knight, T. Fenton; Watson and Waters demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 29.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, O'Day, Poole, Richie, Russell, Thomas, and Welch—26.

NOES—Allen, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, JANUARY 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation for civilian defense purposes in augmentation of the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, declaring the urgency thereof and providing that it shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Yours very truly,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Don A. Allen.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 67: By Mr. Allen—An act making an appropriation for civilian defense purposes in augmentation of the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, declaring the urgency thereof, and providing that it shall take effect immediately.

Without reference to committee.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. O'Day moved the adoption of the following amendment:

Amendment No. 1

On page 10 of the printed bill, between lines 3 and 4, insert

"4. Such auxiliary units as may be necessary for the proper functioning, administration, and operation of the State Guard, to be organized in accordance with the Tables of Organization of the United States Army for any such unit."

Amendment read.

Demand for Previous Question

Messrs. Howser, F. N., Collins, Sam L., Stream, Pfaff and Kilpatrick demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 29.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Knight, T. Fenton; Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, Thurman, and Welch—32.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, McColister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—40.

Temporary Suspension of Assembly Rule No. 33

On motion of Mr. Hugh M. Burns, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on amendments to Senate Bill No. 29.

Motion to Amend

Mr. Hugh M. Burns moved the adoption of the following amendment:

Amendment No. 1

On page 10 of the printed bill, as amended, between lines 3 and 4, insert

"4. Such observation squadrons, organized prior to December 7, 1941, which may in the opinion of The Adjutant General be necessary for the proper function of the State Guard as a guard unit and not for combat purposes."

Amendment read.

Demand for Previous Question

Messrs. Collins, Sam L., Robertson, Sheridan, Waters and Weber demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 29.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Robertson, Russell, Sawallisch, Tenney, Thomas, Thurman, and Mr. Speaker—31.

NOES—Allen, Burns, Michael J., Call, Carlson, Clarke, Daley, Desmond, Dickey, Dills, Dilworth, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McColister, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Salsman, Sheridan, Stream, Thorp, Turner, Waters, Watson, Weber, Weybret, and Wollenberg—41.

Motion to Amend

Mr. O'Day moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the title of the printed bill, as amended, after "act", strike out lines 1 to 17, inclusive, and insert "making an appropriation for the State Guard, declaring the urgency hereof to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 5, inclusive.

Amendment No. 3

On page 8 of the printed bill, as amended, strike out lines 17 to 47, inclusive; and strike out pages 9, 10, 11, 12, 13, 14, 15 and 16, inclusive, and insert

"SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of ten million dollars (\$10,000,000) in augmentation of the appropriation for the State Guard, to be expended during the Ninety-third and Ninety-fourth Fiscal Years for the equipment, support, and maintenance of the State Guard.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting the necessity:

An emergency exists in the United States and the State of California in protecting the lives of the citizens within the State and in the protection of both public and private property from enemies from within and without the country. The National Guard which has heretofore been available to this State as an organization for such purpose has been called into the service of the United States, and many units of the State Guard have been called into the service of the State. It is therefore necessary that steps be taken to provide for the proper equipment, support, and maintenance of the State Guard to take the place of the National Guard and to enable the State Guard effectively to protect the lives and property of citizens and the State. It is therefore necessary that this act take effect immediately."

Amendments read.

Temporary Suspension of Assembly Rule No. 33

On motion of Mr. Maloney, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of a call of the Assembly on amendments to Senate Bill No. 29.

MOTION TO PRINT IN JOURNAL

Mr. Turner moved that the following communications be read, and ordered printed in the Journal:

Motion carried.

SAN FRANCISCO, CALIFORNIA, January 16, 1942

*Hon. Gordon H. Garland, Speaker of the Assembly
State Capitol, Sacramento, California*

We urge that you do all in your power to prevent the adoption by the Assembly of the Guard program which understand has received approval of Senate. I earnestly submit that California, entitled as it is as part of the United States, to the protection of the Federal forces is in no such danger as would justify under existing conditions the appropriation of \$17,000,000 for the setting up of additional National Guard units. The proposed Federal expenditures for armament and the prosecution of the war are such that the tax burden which is going to result will be all that the people of this Country can stand. It is not only unpatriotic to add an unnecessary burden on the taxpayers of this State such as will inevitably result from Governor's program but in the long run as the tax burden which is in store for the people of this State is appreciated by them I am convinced will bring repercussions of serious political consequence. I submit that what we need in this State, if we need anything, is nothing more than a realistically expanded police force which can be provided at fraction of the \$17,000,000 contemplated for the Guard. If the hysteria of the moment demands that something be done toward strengthening the Guard then certainly the reasonable procedure is to vote only such funds as will be required to take care of the situation up to June 30th by which time the people of the State and Members of the Legislature will have a much better picture of what the need of our situation is going to be.

ALFRED W. EAMES

SAN FRANCISCO, CALIFORNIA, January 16, 1942

Hon. Gordon H. Garland, Speaker
State Assembly, Capitol

Trust you will oppose Guard Bill passed by Senate. While recognizing necessity and importance adequate guard amount money proposed exorbitant. Guard should be primarily for protection public property and industries essential to defense. Appropriation should extend to June 30th only by which time functions appropriate to State will be clarified.

CROWN ZELLERBACH CORP.

J. D. ZELLERBACH, President

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Further Consideration of Amendments by Mr. O'Day

The roll was called, and the amendments refused adoption by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—32.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton, Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—41.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendment:

Amendment No. 1

On page 10, line 14, of the printed bill, as amended, strike out "and", and insert "one officer having the rank of lieutenant who shall act as regimental".

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Kellems, Kilpatrick, King, Lowrey, Massion, Meehan, O'Day, Richie, Robertson, Russell, Tenney, Thomas, and Welch—25.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Knight, John B., Knight, T. Fenton, Leonard, Lyon, Maloney, McCollister, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—44.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Motion to Amend

Mr. Desmond moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed measure, as amended, strike out line 19, and insert "increases, particularly to those employees in the lower salaried brackets; and".

Amendment No. 2

On page 2 of the printed measure, as amended, strike out lines 10 to 19, inclusive, and insert "*Senate thereof concurring*, That the Governor, the Director of Finance and the State Personnel Board are most urgently requested to consider the problem and to make adjustments and increases in salaries consistent with and not in excess of the percentage increase in the cost of living as reported by the Bureau of Labor Statistics of the U. S. Department of Labor and in no event to exceed twenty dollars (\$20) per month each in the salaries of the several employees of the State, where just and equitable.

Amendments read.

The roll was called, and the amendments adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Doyle, Evans, Field, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Millington, O'Day, Pelletier, Phillips, Poole, Poulson, Richie, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Dilworth, Knight, T. Fenton; Miller, Pfaff, and Russell—5.

Resolution ordered to reprint, and re-re-engrossment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 18

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Bill No. 33

Assembly Bill No. 34

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bills ordered to unfinished business file.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 33—An act to add Section 2.1429 to, and to amend Sections 3.93, 3.223, 4.721, 4.740, 4.751 and 4.752 of, the School

Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 33?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to add Section 2.1429 to, and".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out the comma after "of".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 1 to 13, inclusive, and insert

"SECTION 1. School Code Section 3.223 is hereby amended to".

Amendment No. 4

On page 2, line 14, of the printed bill, as amended, strike out "SEC. 4", and insert "SEC. 2".

Amendment No. 5

On page 2, line 35, of the printed bill, as amended, strike out "5", and insert "3".

Amendment No. 6

On page 3, line 1, of the printed bill, as amended, strike out "6", and insert "4".

Amendment No. 7

On page 3, line 22, of the printed bill, as amended, strike out "SEC. 7", and insert "SEC. 5".

Amendment No. 8

On page 3, line 40, of the printed bill, as amended, strike out "8", and insert "6".

Amendment No. 9

On page 4, line 3, of the printed bill, as amended, strike out "9", and insert "7".

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 33 by the following vote:

AYES—Allen, Andreas, Bashore, Buckhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Diekey, Dills, Dilworth, Donnelly, Doyle, Evans, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—Kilpatrick—1.

Assembly Bill No. 33 ordered enrolled.

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 34?

Amendment No. 1

On page 1 of the printed bill, between lines 8 and 9, insert

"No apportionments from State funds based upon average daily attendance in such special day or evening classes shall be made where the total cost of the classes is borne by the Federal Government, or any agency thereof. Where the total cost of such classes exceeds the amount borne by the Federal Government, or any agency thereof, the average daily attendance of pupils upon classes conducted pursuant to this section shall be computed to the extent necessary to recompense the district for the balance of the sum expended in the conduct of such classes."

The roll was called, and the Assembly refused to concur in the Senate amendment to Assembly Bill No. 34 by the following vote:

AYES—Call, Carlson, Del Mutolo, Dills, and Welch—5.

NOES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dilworth, Donnelly, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellenis, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—63.

Assembly Bill No. 34 ordered to Conference Committee.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendment:

Amendment No. 1

On page 14, lines 30 to 32, inclusive, of the printed bill, as amended, strike out "seven million, nine hundred thirty-four thousand, three hundred sixty-five dollars (\$7,934,365)", and insert "seventeen million dollars (\$17,000,000)".

Amendment read.

Demand for Previous Question

Messrs. Waters, Howser, F. N., Stream, Evans and Mrs. Daley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment to Senate Bill No. 29.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Maloney, Massion, Meehan, O'Day, Pelletier, Richie, Robertson, Tenney, Thomas, and Welch—24.

NOES—Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Evans, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellenis, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—44.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendments:

Amendment No. 1

On page 8 of the printed bill, as amended, strike out lines 35 to 44, inclusive, and insert "service shall receive the same pay and allowances as officers of the same rank and grade in the United States Army."

Amendment No. 2

On page 9, line 13, of the printed bill, as amended, strike out "officer or".

Amendments read.

Demand for Previous Question

Messrs. Turner, Call, Carlson, Field and Dilworth demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Senate Bill No. 29.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Cain, Collins, George D., Gaffney, Gunlock, King, Meehan, O'Day, Robertson, and Thomas—11.

NOES—Burkhalter, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—50.

Motion to Amend

Mr. Gaffney moved the adoption of the following amendment:

Amendment No. 1

On page 11 of the printed bill, as amended, strike out lines 27 to 51, inclusive.

Amendment read.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Collins, George D., Del Muto, Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Massion, Meehan, Pelletier, Richie, Russell, and Tenney—20.

NOES—Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Evans, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—44.

Senate Bill No. 29 ordered reprinted, and to third reading.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copies to Honorables Harvey E. Hastain, Fred Weybret, L. W. Lowrey, Godfrey A. Andreas and T. Fenton Knight.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 68: By Messrs. Hastain, Knight, T. Fenton; Andreas, Weybret and Lowrey—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Joint Resolution No. 10

Senate Concurrent Resolution No. 14

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were read:

Senate Joint Resolution No. 10—Relative to protection of National defense industries, utilities and facilities.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen.

Request for Unanimous Consent

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 14, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 14

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen.

Resolution read.

Motion to Amend

Mr. Cain moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 1, of the printed measure, strike out "November 11", and insert "November 10".

Amendment read and adopted.

Resolution ordered reprinted, and to third reading.

MOTION TO PRINT IN JOURNAL

Mr. Dilworth moved that the following statement be ordered printed in the Journal:

Motion carried.

January 14, 1942

At a meeting of the executive committee of the Civilians Advisory Committee, Company G, California State Guard, held at Hemet, January 5th, it was unanimously agreed that a statement be prepared outlining the policies that this committee believes should be pursued as regards the local company of the State Guards, based on our understanding of the purposes of the Guard when we accepted membership on this committee.

At that time, we were advised by those promoting the establishment of the Guard company in this valley that the purpose was to provide a properly trained and disciplined group of men to protect the local community against possible sabotage by alien or subversive interests, to assure law and order in cases of National emergency and to provide young men below the draft age an opportunity to prepare themselves for Army life when and if they were drafted into the United States Army. It was also understood that these Guard members would have the privilege of resigning within 30 days at any time, that they would have to provide their own uniforms, they would have to attend drill meetings at least once a week at the option of their officers and if they did not take an active part in the companies' activities they would be automatically dropped by their superior officers.

It was explained that this was to give an opportunity to men not of selective draft age to assist in the protection of our local community and it was also understood that only in the cases of extreme emergencies would there be any possibility of them being called away from their home community for service. All of their time was to be donated and there were no promises made of any financial reimbursement for time spent at their duty.

It was explained to us that the purpose of having a Citizens Advisory Committee was to provide a contact between the officers of the company and the civilians in our community and also we were told that it might be necessary for us to raise a small fund to take care of incidental expenses of the company. In this connection our committee has solicited from citizens in this community approximately \$1,000, which money has been partially used for the purchase of some additional clothing for the members of the Guard and to defray incidental expenses of postage and office supplies.

It is the belief of our committee that the original intention and purpose as explained to us should be carried out and we believe there is grave danger of losing the cooperation of a large percentage of Guard members in this community if any change is made in the State law which will compel the present members to serve for continuous periods of 30, 60, 90 days even with compensation as these men are already employed and most of them have families and except for some National disaster, they do not believe that they should be taken from their homes and from this community and placed in a State Army to do Guard service around properties owned by private interests. Also they are quite insistent that they be given the option of resigning within 30 days as their original oath of office required.

We believe that it would be perfectly logical and proper for the State Legislature to appropriate sufficient funds to provide members of the Guard with suitable warm clothing for Winter use, provide guns and ammunition and possibly some bedding and kitchen utensils for use if they are called out under any emergency. Also we believe incidental expense money should be provided officers for traveling expenses when attending to duties outside their home community.

This statement has been prepared with the thought of advising local citizens of the conclusions of our committee as well as our representatives in the Legislature and with that thought in mind copies of this statement are to be furnished the local newspaper, copy sent to State Senator John Phillips and Assemblyman Nelson S. Dilworth at Sacramento.

H. H. SPAULDING
E. W. RICKARD
J. C. LOOMIS

H. B. WELLS
E. G. GARRISON
THOS. J. FLETCHER

MOTION TO PRINT IN JOURNAL

Mr. Potter moved that the following communication be ordered printed in the Journal:

Motion carried.

LOS ANGELES, CALIFORNIA, January 16, 1942

*Fred N. Howser, Member California Assembly
State Capitol, Sacramento*

As citizen of Long Beach may I state own views upon State Guard? Believe defense clearly the responsibility of Federal Government as we are in combat zone. Doubt necessity or wisdom of large standing State Guard. Believe small, well trained force able to supplement regular police, sheriff and other peace officers most logical and efficient, although unlimited, purely voluntary membership could and should be available if needed. Proposed Assembly amendments limiting appropriation to \$8,000,000 seems fully adequate. Larger appropriation not only wasteful but establishes unwise precedent for large force of unnecessary State troops.

CHARLES S. HENDERSON

RECESS

At 6.45 p.m., on motion of Mr. Lyon, the Assembly recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Assembly reconvened.

Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 16

Assembly Joint Resolution No. 18

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Concurrent Resolution No. 12

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

RESOLUTIONS

The following resolution was offered:

By Mr. Johnson:

House Resolution No. 62

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase seventy-five (75) sets of the 1941 Supplement to Deering's California Codes, General Laws and Treadwell's Constitution as printed in one volume.

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one copy of these Supplements to each Member of the Assembly and one copy to the Chief Clerk of the Assembly.

Resolution read, and referred to Committee on Rules.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Wollenberg, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Joint Resolution No. 10.

Request for Unanimous Consent

Mr. Wollenberg asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 10, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 10

Senate Joint Resolution No. 10—Relative to protection of National defense industries, utilities and facilities.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, Meelan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—59.

NOES—Collins, George D., Del Mutolo, Gaffney, Kilpatrick, Pelletier, and Thomas—6.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Bill No. 61, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 61**Temporary Suspension of Assembly Rule No. 33**

On motion of Mr. Lyon, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Bill No. 61.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Lyon:

Resolved, That Assembly Bill No. 61 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey,

Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dills, Dilworth, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Knight, John B., Leonard, Lowrey, Lyon, Maloney, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Burkhalter, Collins, George D., Donnelly, Kilpatrick, Massion, and Thomas—6.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 16, 1942

Members of the Senate and Assembly of the California Legislature

GREETINGS: For my information and yours, in addition to the information and advice given me by The Adjutant General, I asked Major General Walter C. Sweeney, U. S. Army, Retired; Major General Paul B. Malone, U. S. Army, Retired; and Colonel Arthur G. Fisher, U. S. Army, Retired, citizens and residents of California, and experienced officers with a life-time of service in the regular Army of the United States, to analyze the subject you are now considering; to wit: The organization of the State Guard, and to give us the benefit of their advice as to the suitability of some of the provisions in bills now being considered by the Legislature with respect thereto.

These qualified citizens of our State, in response to this invitation, have furnished me a memorandum on the subject, which I herewith transmit to you for your information.

I hereby renew my request for an appropriation of \$17,500,000 for the maintenance of the State Guard without provisions for its reorganization.

Respectfully yours,

CULBERT L. OLSON, Governor of California

Enclosure (1)

Message read.

COMMUNICATIONS

The following memorandum accompanying the Governor's message was read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, January 16, 1942

Memorandum for the Governor of California

I. The Governor of the State of California has invited the undersigned retired officers of the Regular Army, citizens of the State of California, to give to him their professional opinion based on a lifetime of Military service, as to the best organization of the State Guard and the suitability of some of the provisions in bills now before the State Legislature with respect thereto.

II. The views indicated below are based upon facts as follows:

1. The Congress of the United States has declared that a state of war exists between the United States, Germany, Italy, and Japan.

2. The State of California is an area designated as A COMBAT ZONE.

3. The National Guard of the State of California has been inducted into the Federal service and is no longer available as a State force for active duty in case of "insurrection, invasion, tumult, riot, breach of peace, public calamity, public catastrophe, or other emergencies, or imminent danger thereof."

4. The President and the Secretary of War have indicated to the Governors of all States that the prompt organization of a State Guard to replace the National Guard and to relieve units of the Army for combat against our enemies is now desired.

III. The State of California has provided an adequate State Guard in accordance with an act of Congress approved October 21, 1940. The State Guard so organized has performed its duties for a period of 18 months, in a very satisfactory manner. The inspection reports of regular Army officers filed in The Adjutant General's Office at Sacramento contain favorable records of its efficiency.

It would seem manifest from the foregoing that the State Guard should receive the same pay and allowances, and be organized and equipped essentially according to the Tables of Organization prescribed for the National Guard, which tables of organization are based on the experience of about 150 years in our Army and National Guard, and which it is intended temporarily to replace, and whose emergency duties under the present war conditions it will be required to perform.

In considering the existing situation in the State of California it is submitted:

a. That the State Guard as it now exists in the State of California is organized essentially in compliance with the foregoing requirements.

b. That it can and does perform the duties contemplated in the act of Congress approved October 21, 1940.

c. That the strength of the State Guard as it now exists is approximately that which is necessary for the performance of its functions under the law, but, as Army Troops are withdrawn it may become necessary to increase the number of State Troops.

IV. The Governor has asked the State Legislature for an appropriation of \$17,500,000 to carry on the current operations of the State Guard. The State Legislature, however, has proposed a bill generally changing the standard organization of the State Guard and substituting new forms of organization inadequately provided with officers and non-commissioned officers for successful Military service, and requiring procedures for which no standards exist in existing Military manuals.

V. After careful examination of this bill, Senate Bill No. 29, as amended January 15, 1942, and without prejudice or criticism of anyone we are of the opinion that it will be practically impossible for the executive authority of the State to interpret and administer it and at the same time meet the obligations imposed upon the State of California by the present National war emergency, which has existed since December 7, 1941. The bill changes organization of units, pay of officers and enlisted men, restricts and hampers the use of the Guard by the executive, and in general denies the responsible head of the State the authority it is necessary for him to have to meet his responsibilities.

VI. We are also of the opinion that the Military and Veterans Code, 1941, of the State of California contains satisfactory regulations to cover the State Guard organization, pay, equipment, etc., and should not be modified in the enabling act to comply with the request of the President and the Secretary of War to provide an adequate State Guard to replace the National Guard during the existing emergency.

WALTER C. SWEENEY, Major General, U. S. Army, (Retd.)

PAUL B. MALONE, Major General, U. S. Army, (Retd.)

ARTHUR G. FISHER, Colonel, U. S. Army, (Retd.)

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Joint Resolution No. 24: By Messrs. Hastain, Knight, T. Fenton; Heisinger, Weybret, Andreas, Lowrey, Thorp, Clarke, Turner, Leonard, Lyon and Mrs. Daley—Relative to price control.

Without reference to committee.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Emergency Fund to provide money for the support of Division of Architecture, Department of Public Works, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Harrison W. Call.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an appropriation to the Emergency Fund to provide money for the support of the Division of Highways, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Hugh M. Burns.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 69: By Messrs. Call, Burns, Hugh M., and Sawalisch—An act making an appropriation to the Emergency Fund to provide money for the support of Division of Architecture, Department of Public Works, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 70: By Messrs. Burns, Hugh M., Call and Sawallisch—An act making an appropriation to the Emergency Fund to provide money for the support of the Division of Highways, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Ways and Means.

FURTHER CONSIDERATION OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Demand for Previous Question

Messrs. Howser, F. N., Waters, Evans, Collins, Sam L., and Pfaff demanded the previous question.

The roll was called, and demand for previous question not sustained by the following vote:

AYES—Call, Collins, Sam L., Crowley, Del. Mutolo, Evans, Hastain, Hawkins, Heisinger, Howser, F. N., Knight, John B., Knight, T., Fenton; Leonard, Mid-dough, Miller, Pelletier, Pfaff, Poole, Robertson, Russell, Salsman, Thomas, Thorp, Thurman, Waters, Watson, and Weybret—26.

NOES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gundlock, Howser, Frederick F., Johnson, Kellem, Kilpatrick, King, Lowrey, Lyon, Maloney, McCollister, Meehan, Millington, O'Day, Potter, Poulson, Richie, Sawallisch, Sheridan, Stream, Tenney, Turner, Weber, Welch, Wollenberg, and Mr. Speaker—43.

Demand for Previous Question

Messrs. Pfaff, Watson, Kilpatrick, Waters and Collins, Sam L., demanded the previous question.

Demand for previous question sustained.

The question being on the final passage of Senate Bill No. 29.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 11.45 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

Motion to Dispense With Further Proceedings Under Call of the Assembly

At 11.46 p.m., Mr. Donnelly moved that further proceedings under the call of the Assembly be dispensed with.

The roll was called, and the motion lost by the following vote:

AYES—Allen, Burkhalter, Cain, Collins, George D., Crowley, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Johnson, Kilpatrick, King, Leonard, Lowrey, Massion, Meehan, Middough, O'Day, Pfaff, Phillips, Poole, Poulson, Richie, Russell, Salsman, Sheridan, Tenney, Thomas, and Waters—33.

NOES—Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Kellems, Kepple, Knight, John B., Knight, T. Fenton; Lyon, Maloney, Miller, Millington, Potter, Robertson, Sawallisch, Stream, Thorp, Thurman, Turner, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—36.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 29

At 11.47 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Senate Bill No. 29 refused passage by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—43.

NOES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—30.

Notice of Motion to Reconsider Senate Bill No. 29

Mr. Robertson gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 29 was this day refused passage.

Explanations of Vote

We have voted against Senate Bill No. 29, feeling that it does not provide adequate protection to the lives and property of the people of California. We favor the present status of the State Guard with a minimum appropriation of \$10,000,000.

JOHN EDWARD CAIN
WM. I. GUNLOCK
JOHN D. WELCH

I voted "No" on Senate Bill No. 29 because I felt that the provisions of that bill did not measure up to the requirements of the Federal Army. A State Guard which is hamstrung and hog-tied by unreasonable restrictions would not meet the high purpose for which it is needed.

M. G. DEL MUTOLO

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Sals-

man, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

JOINT COMMITTEE ON WAYS AND MEANS, GOVERNMENT EFFICIENCY AND ECONOMY, AND MILITARY AFFAIRS

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which was referred:

Assembly Bill No. 7

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 14, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 14

Senate Concurrent Resolution No. 14—Relative to the death of Justice John Francis Pullen.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Del Muto, Desmond, Dickey, Dills, Donnelly, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Joint Resolution No. 25: By Mr. Stream and Mrs. Daley—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 26: By Mr. Lyon—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 26, at this time, without reference to committee or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 26

Assembly Concurrent Resolution No. 26—Relative to a recess of the Fifty-fourth (Extraordinary) Session of the Legislature.

Resolution read.

Demand for Previous Question

Messrs. Waters, Howser, F. N., Dilworth, Knight, John B., and Poulson demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 26.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Del Mutolo, Dills, Donnelly, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Richie, Robertson, Russell, Tenney, and Thomas—23.

Resolution ordered transmitted to the Senate.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolutions were offered:

Assembly Concurrent Resolution No. 27: By Mr. Middough—Relative to the acquisition and use of beaches for public park purposes.

Without reference to committee.

Assembly Concurrent Resolution No. 28: By Mr. O'Day—Relative to rolls of honor of State employees in the United States armed forces.

Without reference to committee.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 64

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same:

Walsh & Day (Repair & replace parts in 2 damaged micro-phones)	\$72 10
Pacific States Telephone & Telegraph Co. (Tolls)	54 80
Bureau of Purchases, supplies, December	40 56

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 64, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman,

Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—64.
 NOES—None.

By Mr. Lyon :

House Resolution No. 65

Resolved, That Arthur A. Ohnimus, Chief Clerk of the Assembly, is hereby directed to take charge of arranging and preparing the bills, books and all other records of the Assembly, and filing the same with the Secretary of State, as provided by law, subsequent to adjournment or recess of the Fifty-fourth (First Extraordinary) Session of the Legislature, and all indexing, correcting, comparing and proofreading, and otherwise preparing the Journal of the Assembly of the Fifty-fourth (First Extraordinary) Session of the Legislature, and making the information therein contained readily available for the use of the Members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the Fifty-fourth (First Extraordinary) Session, and of compiling, preparing and having printed after adjournment or recess, a Final Calendar of the legislative business of the Fifty-fourth (First Extraordinary) Session, said Calendar to comprise a history of all bills introduced and their authors, the numbers that shall have become law, those that shall have been read a second time, and any and all such information as will provide a complete history of the session's business and a guide for the information of subsequent sessions of the Legislature, and he shall further prepare a detailed statement of the expenses of both houses of the Legislature during the Fifty-fourth (First Extraordinary) Session.

When said Final Calendar is prepared, the said Arthur A. Ohnimus, Chief Clerk, is directed to forward one copy of the Final History to each public library in the State, which may apply for same, and one copy to each Member of the Assembly, and one copy of the complete unbound chapters to each Member of the Assembly; and be it further

Resolved, That the Chief Clerk is hereby authorized to retain such legislative help as may be necessary to complete the aforesaid work of the Assembly and the same shall be compensated at the same rate paid per diem as allowed them during the time the Legislature is in session; provided, however, that no compensation shall be allowed except for services actually performed and the Chief Clerk is hereby directed to keep an accurate attendance record of all attaches so employed and certified by him to the State Controller as being entitled to compensation; and be it further

Resolved, That the State Controller is hereby authorized and directed to pay weekly compensation in such amounts and to such persons as may be certified to him by the Chief Clerk as being entitled to the same, and such sums shall be payable from the unexpended balance of the fund provided for the pay of officers and attaches of the Assembly.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 65, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, Sam L., Daley, Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton, Leonard, Lowrey, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

By Mr. Lyon :

House Resolution No. 66

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly in the sum of two hundred dollars (\$200) in favor of Arthur A. Ohnimus, Chief Clerk of the Assembly, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, traveling expenses, and other incidental expenses in connection with completing the work of the Fifty-fourth (First Extraordinary) Session of the Assembly of the State of California. Vouchers and receipts of all expenditures to be furnished to the Controller.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 66, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 62

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

CONSIDERATION OF HOUSE RESOLUTION NO. 62**House Resolution No. 62**

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase seventy-five (75) sets of the 1941 Supplement to Deering's California Codes, General Laws and Treadwell's Constitution as printed in one volume.

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver one copy of these Supplements to each Member of the Assembly and one copy to the Chief Clerk of the Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 14

And reports the same correctly re-re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolution ordered to third reading.

**APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
ASSEMBLY BILL NO. 34**

The Speaker announced the appointment of Miss Miller, and Messrs. Call and Turner as a Committee on Conference concerning Assembly Bill No. 34.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY CONCURRENT
RESOLUTION NO. 8 FROM COMMITTEE CONTINUED**

Mr. Kilpatrick moved that his notice of motion to withdraw Assembly Concurrent Resolution No. 8 from Committee on Rules be continued until the next legislative day.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1942.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Bill No. 35**—An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately; And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1942, at 3 p.m.

JOHN B. KNIGHT, Chairman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Dilworth, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Private First Class A. F. Eggersman, 4th Transport Squadron, McClellan Field, and Private First Class Noble H. Hughes, 4th Transport Squadron, and both from Indianapolis, Ind.

On request of Mr. Desmond, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Rev. Raymond L. Bailey of Sacramento.

On request of Mr. Allen, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Frank E. Cornell, Commandant, Marine Corps League, Sacramento.

On request of Mr. Sam L. Collins, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to John C. Gregory, Chief of Police of Fullerton, and Harry Hyde, Judge of the City of Newport Beach.

ADJOURNMENT

At 11.57 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 11 a.m., Saturday, January 17, 1942, out of respect to the memory of the late Hon. John Francis Pullen.

C. W. QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TENTH LEGISLATIVE DAY
THIRTIETH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Saturday, January 17, 1942

The Assembly met at 11 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—69.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Hawkins.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 7—An act making an appropriation for an armory at the City of Glendale.

Bill read second time, and ordered engrossed.

Assembly Bill No. 62—An act making an appropriation to the Emergency Fund for the payment of vacation claims as therein specified, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 64—An act augmenting the Emergency Fund to provide additional funds for the expenses of the State Department of Social Welfare for administrative costs incurred by the department in connection with, and sponsorship contributions for, Federal public assistance programs, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 65—An act augmenting the Emergency Fund to provide additional funds for the administrative expenses of the State Department of Social Welfare for the operation of the Federal Stamp and Surplus Commodity Distribution Plans, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 66—An act augmenting the Emergency Fund to provide additional support for the Department of Social Welfare, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 67—An act making an appropriation for civilian defense purposes in augmentation of the Emergency Fund specified in Item 216 of Section 2 of the Budget Act of 1941, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Concurrent Resolution No. 31—Relative to the consideration of a special session of the Legislature of subventions by the State to local governmental units.

Resolution read, and ordered engrossed.

Assembly Concurrent Resolution No. 28—Relative to rolls of honor of State employees in the United States armed forces.

Resolution read, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 23

Assembly Joint Resolution No. 24

Assembly Concurrent Resolution No. 27

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 7

Assembly Bill No. 65

Assembly Bill No. 62

Assembly Bill No. 66

Assembly Bill No. 63

Assembly Bill No. 67

Assembly Bill No. 64

Assembly Bill No. 68

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 18—An act to add Section 4316.5 to the Political Code, relating to attorneys at law acting as deputy sheriffs or constables during a State or National emergency, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 33—An act to amend Sections 3.223, 4.721, 4.740, 4.751 and 4.752 of the School Code, all relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Joint Resolution No. 16—Relative to investigation and action by the Engineering Corps of the United States Army and the Los Angeles County flood control authorities to prevent stoppages of work at the Lockheed Aircraft Plant at Burbank, California, because of flood conditions;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1942, at 12.30 p.m.

JOHN B. KNIGHT, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 61

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 25

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate appointed Senators Deuel, Swan and Tickle as a Committee on Conference concerning:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 15

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 29: By Mrs. Daley and Messrs. Stream, Hastain, Desmond and Garland—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code, Section 253.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 30: By Mrs. Daley and Messrs. Stream, Hastain, Desmond and Garland—Relative to including the subject of the manner of claiming veterans' exemptions in the Proclamation calling a possible special session.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 31: By Messrs. Garland, Sawallisch and Burns, Hugh M.—Relative to the consideration at a special session of the Legislature of subventions by the State to local governmental units.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 67

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same:

Bancroft Whitney (75 sets 1941 Supplement Deering's Codes
General Laws, Constitution)..... \$838 16

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 67, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple,

Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Sheridan, Stream, Tenney, Thorp, Thurman, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—54.
NOES—None.

RECONSIDERATION OF SENATE BILL NO. 29

In compliance with a notice given on a previous day, Mr. Robertson moved that the vote whereby Senate Bill No. 29 was refused passage be reconsidered.

Demand for Previous Question

Messrs. Howser, F. N., Waters, Robertson, Evans and Stream demanded the previous question.

Demand for previous question sustained.

The question being on the motion to reconsider the vote whereby Senate Bill No. 29 was refused passage.

The roll was called, and Senate Bill No. 29 reconsidered by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—Thomas—1.

Senate Bill No. 29 ordered to third reading.

Motion to Set Special Order

Mr. Lyon moved that Senate Bill No. 29 be made a special order of business for Saturday, January 17, 1942, at 3 p.m.

The roll was called.

Motion for Call of the Assembly

Pending the announcement of the vote, Mr. Doyle moved a call of the Assembly.

Motion lost.

The question being on the motion that Senate Bill No. 29 be made a special order of business for Saturday, January 17, 1942, at 3 p.m.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Welch, Wollenberg, and Mr. Speaker—59.

NOES—None.

MOTION TO REFER ASSEMBLY BILL NO. 55 TO COMMITTEE ON WAYS AND MEANS

Mr. Frederick F. Houser moved that Assembly Bill No. 55 be withdrawn from the file, and referred to the Committee on Ways and Means.

Substitute Motion

Mr. Wollenberg moved, as a substitute motion, that all bills now pending on file without reference to committee, and carrying an appropriate

tion, together with all bills before the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs be referred to the Committee on Ways and Means.

Motion carried unanimously.

Pursuant to the above motion, the Speaker ordered the following bills withdrawn from the file, and referred to the Committee on Ways and Means:

Assembly Bill No. 37	Assembly Bill No. 58
Assembly Bill No. 38	Assembly Bill No. 59
Assembly Bill No. 50	Assembly Bill No. 62
Assembly Bill No. 51	Assembly Bill No. 63
Assembly Bill No. 52	Assembly Bill No. 64
Assembly Bill No. 53	Assembly Bill No. 65
Assembly Bill No. 54	Assembly Bill No. 66
Assembly Bill No. 55	Assembly Bill No. 67
Assembly Bill No. 56	Assembly Bill No. 68
Assembly Bill No. 57	Senate Bill No. 30

Pursuant to the above motion, the Speaker ordered the following bills withdrawn from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and re-referred to the Committee on Ways and Means:

Assembly Bill No. 1	Assembly Bill No. 25
Assembly Bill No. 2	Assembly Bill No. 27
Assembly Bill No. 5	Assembly Bill No. 28
Assembly Bill No. 10	Assembly Bill No. 31
Assembly Bill No. 14	Assembly Bill No. 32
Assembly Bill No. 16	Assembly Bill No. 39
Assembly Bill No. 17	Assembly Bill No. 40
Assembly Bill No. 19	Senate Bill No. 2
Assembly Bill No. 20	Senate Bill No. 5
Assembly Bill No. 21	Senate Bill No. 6
Assembly Bill No. 22	Senate Bill No. 7
Assembly Bill No. 23	Senate Bill No. 9
Assembly Bill No. 24	

RECESS

At 12.35 p.m., on motion of Mr. Lyon, the Assembly recessed until 2.50 p.m.

REASSEMBLED

At 2.50 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 68

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 55

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bill ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 20

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

Above reported bill ordered to third reading.

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 18—Relative to memorializing the United States Government to grant priorities necessary to the continued operation of the gold mining industry;

And reports that the same has been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1942, at 11.30 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 31

Assembly Concurrent Resolution No. 28

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 61—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately;

Assembly Concurrent Resolution No. 25—Relative to adjournment out of respect to the memory of the Honorable John F. Pullen, Presiding Justice of the Third District Court of Appeal;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of January, 1942, at 4.30 p.m.

JOHN B. KNIGHT, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 29

Assembly Concurrent Resolution No. 30

Assembly Joint Resolution No. 25

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolutions ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 15

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman.

Above resolution ordered to third reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 63

Respectfully reports the same back with amendments, but without recommendation as amended, subject to attaching opinions from the Legislative Counsel and the Attorney General.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Mr. Hastain moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "making an appropriation to", and insert "to add Section 1.1 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately." (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1, 2 and 3; and in line 4, strike out "expenditure", and insert

"SECTION 1. Section 1.1 is hereby added to the act cited in the title to read as follows:

Sec. 1.1. Out of the money appropriated by Section 1, the sum of thirty-four thousand fifty-five dollars (\$34,055), if and when expended, shall only be expended".

Amendment No. 3

On page 1, line 16, of the printed bill, strike out "provide additional funds", and insert "have funds available".

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Resolution read.

Motion to Amend

Mr. Gaffney moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed measure, strike out " , blind,".

Amendment No. 2

On page 1, line 1, of the printed measure, strike out " , blind,".

Amendment No. 3

On page 1, line 7, of the printed measure, strike out " , blind,".

Amendment No. 4

On page 1, line 13, of the printed measure, strike out "or blind".

Amendment No. 5

On page 1, lines 20 and 21, of the printed measure, strike out “, dependent blind thirty-three dollars and thirty-three cents (\$33.33) per month,” and insert “and”.

Amendment No. 6

On page 2, line 1, of the printed measure, strike out “self”, and insert “half”.

Amendment No. 7

On page 2, line 9, of the printed measure, strike out “and blind”.

Amendment No. 8

On page 2, line 21, of the printed measure, strike out “, blind, and”, and insert “and to”.

Amendments read and adopted.

Resolution ordered reprinted, and engrossed.

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Ways and Means:

Amendment No. 1

On page 2, line 4, of the printed bill, after “writing”, insert a comma and “signed by a majority of the members,”.

Amendment No. 2

On page 2 of the printed bill, strike out all of lines 17 to 23, inclusive, and insert “(3) None of the moneys hereby appropriated shall be expended, allotted or encumbered for any purpose unless the local agency filing the application has expended since July 1, 1941, or agrees to expend, for State or local civilian defense purposes an amount equal to the moneys proposed to be expended, allotted or encumbered.”

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253.

Resolution read, and ordered engrossed.

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the proclamation calling a possible special session.

Resolution read, and ordered engrossed.

Assembly Joint Resolution No. 25—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego.

Resolution read, and ordered engrossed.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 31—Relative to the consideration of a special session of the Legislature of subventions by the State to local governmental units.

Resolution read.

Motion to Amend

Mr. Hugh M. Burns moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 20, of the printed measure, after "purposes", insert "and legislation providing for protection against the dangers of sabotage".

Amendment read and adopted.

Resolution ordered reprinted, and re-engrossed.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: The Committee on Conference concerning:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on January 15, 1942, be further amended as follows:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "Where the total", and strike out all of lines 13 to 18, inclusive.

DEUEL
SWAN
TICKLE

MILLER
TURNER
CALL

Senate Committee on Conference

Assembly Committee on Conference

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Miss Miller moved a call of the Assembly.

Motion carried. Time, 2.52 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Bashore, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Bill No. 55.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

NOES—None.

Bill ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Mr. Bashore:

House Resolution No. 68

Relating to creation of the Assembly Committee on Sporting Events

WHEREAS, The war in which this Nation is engaged has brought about the imposition on the Pacific Coast of various restrictions deemed to be necessary by Military authorities for the defense of the area and the protection of the civilian population; and

WHEREAS, Among these restrictions has been the curtailment of several athletic and sporting events, such as the Rose Bowl and the East-West football games and the Santa Anita racing season; and

WHEREAS, Many of the athletic programs and events which have been canceled or transferred out of the State have been the source of appreciable State and local revenues, have furnished employment to hundreds of persons, and have contributed enjoyment and improved the morale of thousands of sports lovers, all of which benefits are lost where the sports are abandoned; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby created an Assembly Committee on Sporting Events to consist of three members appointed by the Speaker of the Assembly to contact and confer with Military authorities in charge of Military operations on the Pacific Coast with a view to lifting the ban against organized sporting events wherever it will not actually harm the War Program or endanger the civilian population, to which end the committee shall have power to act during this session of the Legislature, including any recess thereof, and after final adjournment thereof, and to report the results of its inquiry to the Assembly at any special session of this Legislature or to the Regular Session of the Fifty-fifth Legislature; and be it further

Resolved, That the sum of five hundred dollars (\$500), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Assembly for the expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the Controller upon the Treasurer.

Resolution read, and referred to Committee on Rules.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON ADOPTION OF CONFERENCE REPORT
CONCERNING ASSEMBLY BILL NO. 34**

At 2.53 p.m., on motion of Miss Miller, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the report adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Del Mutolo, Desmond, Diekey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John R., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—69.

NOES—None.

MOTION TO CONTINUE SPECIAL ORDER

Mr. Lyon moved that Senate Bill No. 29, set as a special order of business for today at 3 p.m., be continued until 9 p.m. of this legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Desmond, Diekey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—None.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 35

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 17, 1942

To the Members of the Senate and Assembly of the California Legislature

GREETINGS: Upon receipt of Assembly Concurrent Resolution No. 13, criticising the action of the Board of Prison Terms and Paroles in paroling the prisoners, King, Ramsay and Connor, and calling upon me to revoke that action of the board, I forwarded a copy of the same to Booth B. Goodman, Chairman of the Board of Prison Terms and Paroles, requesting a report of the considerations and reasons upon which the action of the board was based. In response to that request, I have received from the chairman of the board such report, a copy of which is herewith submitted to you for your information.

Respectfully yours,

CULBERT L. OLSON, Governor of California

BOARD OF PRISON TERMS AND PAROLES
SAN FRANCISCO, CALIFORNIA, January 16, 1942

Honorable Culbert L. Olson, Governor of California
State Capitol, Sacramento, California

YOUR EXCELLENCY: In compliance with your communication transmitting a copy of Assembly Concurrent Resolution No. 13 relative to the granting of paroles to King, Ramsey and Conner and requesting a report of the considerations upon which the action of the Board of Prison Terms and Paroles was based, you are hereby advised as follows:

The statement in the resolution that the paroled convicts were "convicted of one of the most heinous and cold-blooded murders in the criminal history of California" disproves itself by the obvious and undisputed fact that the paroled men were not convicted of first degree murder but of murder in the second degree only. The minimum penalty for murder in the second degree is five prison years. With good conduct, five prison years is, under our law, three years and seven months, or 43 months. Under the code persons convicted of second degree murder can be legally paroled after serving half of the minimum time, or 21 months and 15 days. King, Ramsey and Conner were paroled after they had served 58 months, which is equal to more than seven prison years and from which you will observe that these men served more than two and one-half times the minimum prescribed by law before parole.

The circumstances of the offense as revealed by the official record and confirmed in the opinion of the District Court of Appeal, reported in 30 Cal. Ap. 2d, page 185, are briefly as follows: George Alberts was murdered by George Wallace, now in San Quentin and one Ben Sakovitz who has never been either apprehended or prosecuted. It was never contended in any court that the claimed plan or conspiracy in which the paroled men participated went beyond a plan to have an assault and battery committed on Alberts. No conspiracy to commit murder was testified to, proved or claimed in any court.

It was admitted throughout the case that the paroled men did not participate in any assault upon the decedent as will appear from the following quotation from the charge of Honorable Frank M. Ogden, to the jury in the trial court which I quote from page 3937 of the official transcript:

"It is not the contention of the district attorney and he has offered no evidence tending to show that either of the defendants, King, Ramsey or Conner, personally perpetrated the actual assault. It must, therefore, be concluded that they did not."

The three parolees, prior to conviction in the instant case, have been law abiding citizens. Their conduct during incarceration had been exemplary.

In view of the fact that upon the record these men neither planned to kill nor participated in, nor were present at the killing, a majority of the board believed that after having served more than two and one-half times the minimum prescribed by law as a prerequisite to eligibility for parole, could be paroled with complete safety to the public.

If "the Attorney General of this State has made the unequivocal declaration that in this case the paroles were granted because of political pressure and that these convicts were granted special privileges within and outside the walls of San Quentin Prison because of such pressure," such statements are and each of them is wholly false and untrue. In so far as this board is concerned the only pressure which has been exercised has been the pressure of propaganda and misstatements originating since the granting of the paroles.

I have no knowledge of any charges against the granting of these paroles excepting statements circulated in a portion of the press which are contrary to the official records.

Neither the Legislature nor the Grand Jury of Alameda County granted the board any opportunity to present the facts and have obviously acted upon untrue hearsay statements.

Upon the facts which can be obtained only from the official records, it should appear that the board acted with sound discretion; that such action was well within the powers conferred by law; has not been and can not be questioned. Under these circumstances it is obviously the official duty of the Attorney General to protect the board in its right to function freely and without interference or intimidation.

A government is free only when its public officers do function within the lawful limits of their power, freely and without interference. To the preservation of this principle American ideals have ever been dedicated and in this day of crisis have been rededicated.

The best defense of Democracy against subversive activities is a demonstration of its sufficiency to administer personal justice without consideration of race, religion or politics and this your board has done.

I sincerely believe that a majority of the Legislators would not have voted for this resolution had they been in possession of the truth, nor would they have called upon Your Excellency to perform an act beyond your power under the law of this

State as set forth in the decision *ex parte Knausche* reported in 22 Cal. App. 2d 667, holding that parole can not be revoked without cause.

Respectfully submitted.

BOOTH B. GOODMAN, Chairman
Board of Prison Terms and Paroles

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 1

Respectfully reports the same back with amendments, but without recommendation as amended.

MILLINGTON, Chairman

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1—An act augmenting the Emergency Fund to provide money for the California Maritime Academy, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1

On page 1 of the printed bill, strike out lines 16 to 20, inclusive; and on page 2, line 1, strike out "Sec. 3", and insert "Sec. 2".

Amendment read and adopted.

Bill ordered reprinted, and engrossed.

RECESS

At 4.45 p.m., on motion of Mr. Lyon, the Assembly recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MOTION TO CONTINUE SPECIAL ORDER

Mr. Desmond moved that Senate Bill No. 29, heretofore continued as a special order of business for this evening, at 9 p.m., be continued as a special order of business for 10.15 p.m., of this legislative day.

Motion carried.

RECESS

At 9.01 p.m., on motion of Mr. Desmond, the Assembly recessed until 10.14 p.m.

REASSEMBLED

At 10.14 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, January 17, 1942

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to add Section 1.4 to an act entitled 'An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the

Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately' (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to add Section 1.3 to an act entitled 'An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately' (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to add Section 1.5 to an act entitled 'An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately' (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC to author.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 71: By Mr. Johnson—An act to add Section 1.4 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 72: By Mr. Johnson—An act to add Section 1.3 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of

the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

Assembly Bill No. 73: By Messrs. Desmond and Clarke—An act to add Section 1.5 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Concurrent Resolution No. 29
Assembly Concurrent Resolution No. 30
Assembly Joint Resolution No. 25
And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Joint Resolution No. 20
Assembly Bill No. 1
And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolutions ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Bill No. 63
Assembly Bill No. 68
Assembly Concurrent Resolution No. 31
And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:
House Resolution No. 68
Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

CONSIDERATION OF HOUSE RESOLUTION NO. 68

House Resolution No. 68—Relating to creation of the Assembly Committee on Sporting Events.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 2 of the typewritten resolution, in the last line of the first paragraph, strike out "; and be it further", and insert in lieu thereof a period; and strike out the last paragraph of the resolution.

Amendment read and adopted.

Request for Unanimous Consent

Mr. Bashore asked for, and was granted, unanimous consent to take up House Resolution No. 68, as amended, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 68, AS AMENDED**House Resolution No. 68****Relating to creation of the Assembly Committee on Sporting Events**

WHEREAS, The war in which this Nation is engaged has brought about the imposition on the Pacific Coast of various restrictions deemed to be necessary by Military authorities for the defense of the area and the protection of the civilian population; and

WHEREAS, Among these restrictions has been the curtailment of several athletic and sporting events, such as the Rose Bowl and East-West football games and the Santa Anita racing season; and

WHEREAS, Many of the athletic programs and events which have been canceled or transferred out of the State have been the source of appreciable State and local revenues, have furnished employment to hundreds of persons, and have contributed enjoyment and improved the morale of thousands of sports lovers, all of which benefits are lost where the sports are abandoned; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby created an Assembly Committee on Sporting Events to consist of three members appointed by the Speaker of the Assembly to contact and confer with Military authorities in charge of Military operations on the Pacific Coast with a view to lifting the ban against organized sporting events wherever it will not actually harm the war program or endanger the civilian population, to which end the committee shall have power to act during this session of the Legislature, including any recess thereof, and after final adjournment thereof, and to report the results of its inquiry to the Assembly at any special session of this Legislature or to the Regular Session of the Fifty-fifth Legislature.

Resolution read, as amended.

RESOLUTIONS

The following resolutions were offered:

By Mr. Bashore:

House Resolution No. 69

Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period

WHEREAS, The successful prosecution of the war requires the conservation of all resources both human and material; and

WHEREAS, The social and economic welfare of the Nation is to a large extent dependent upon the continued availability of motor vehicle transportation; and

WHEREAS, The Federal Government has seen fit to place restrictions upon the sale and use of new automobile tires under a tire rationing program to the end that an adequate rubber supply be maintained for the Military and civilian needs of the Nation; and

WHEREAS, The manufacture of new automobiles has been suspended in order that the great motor car manufacturing plants can devote their industrial facilities to the output of war materials; and

WHEREAS, Lower highway speeds will prolong the life of automobile tires and will reduce the consumption of gasoline and oil; and

WHEREAS, Many motorists will be obliged to use automobile tires which are retreaded, recapped or so badly worn as to be unsafe at high speeds; and

WHEREAS, Automobiles demolished in accidents of the future can not be replaced with new ones; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly hereby respectfully requests the Governor to issue a Proclamation calling upon the people

to operate their motor vehicles voluntarily at reduced speeds and in no event at a speed in excess of 45 miles an hour for the duration of the war, in the interests of automobile and tire conservation and of increased traffic safety; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

Resolution read, and referred to Committee on Rules.

By Messrs. Gaffney, Maloney, Wollenberg, Collins, George D., Welch and Meehan:

House Resolution No. 70

Relative to the marriage of Assemblyman Edward F. O'Day

WHEREAS, The Members of this Assembly have been pleased to learn of the marriage of their Colleague, Edward F. O'Day, to the lovely Elizabeth Margaret Folan, which event took place in San Francisco on September 11, 1941; and

WHEREAS, The setting of sail upon the Sea of Matrimony is an event concerning which it is always pleasant to provide a record; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly individually and collectively congratulate Mr. and Mrs. Edward F. O'Day on their joint venture and extend to them the best of wishes; and be it further

Resolved, That the Chief Clerk of this Assembly transmit to Mr. and Mrs. O'Day a suitably prepared copy of this resolution.

Request for Unanimous Consent

Mr. Gaffney asked for, and was granted, unanimous consent to take up House Resolution No. 70, at this time, without reference to committee.

Resolution read and adopted unanimously.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 23—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Del Muto, Dickey, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Kellems, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—55.

NOES—Evans—1.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Messrs. Burkhalter, Carlson, Potter, Tenney, Lyon, and Kellems:

House Resolution No. 63

Expressing sympathy to bereaved in airliner crash

WHEREAS, The Members of this Assembly have been profoundly shocked at the reported death of Carole Lombard Gable, Corporal M. B. Affrine, Second Lieutenant James C. Barham, Sergeant A. M. Belejckak, Second Lieutenant Hal E. Brown, Jr., Sergeant Frederick P. Cook, First Lieutenant Robert E. Crouch, Frederick J. Dittman, Second Lieutenant K. T. Donahue, Lois Hamilton, First Lieutenant Robert F. Negren, Sergeant Edgar A. Negren, Second Lieutenant Charles D. Nelson, Mrs. Elizabeth K. Peters, Second Lieutenant Stuart L. Swenson, Private Martin W. Tellrank, Sergeant David C. Tilgman, Private Nicholas Varsamine, Otto Winkler, Wayne C. Williams, Morgan A. Gillette and Alice F. Getz, which appears to have occurred in an airplane crash en route to Los Angeles on January 16, 1942; and

WHEREAS, At the time of the crash Miss Lombard was returning from an extensive tour in connection with the defense bond drive and the National defense effort; and

WHEREAS, Her untimely death has brought to an end a career of one who on the stage and screen has delighted millions, and who will be sorely missed not only by the people of this State, but by those throughout the world who have enjoyed the performances of this beautiful and talented young woman; now, therefore, be it

Resolved, That this Assembly desires to express its profound sympathy to Clark Gable, the husband of Carole Lombard Gable, and to the bereaved families of the other deceased passengers; and be it further

Resolved, That when this Assembly adjourns this day it does so out of respect to the memory of the said persons; and be it further

Resolved, That suitably prepared copies of this resolution be prepared and transmitted by the Chief Clerk of this Assembly to the bereaved and to the Screen Actors Guild of Hollywood.

Request for Unanimous Consent

Mr. Burkhalter asked for, and was granted, unanimous consent to take up House Resolution No. 63, at this time, without reference to committee.

Resolution read.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Motion to Table

Mr. Doyle moved that Senate Concurrent Resolution No. 15 be laid on the table.

The roll was called, and the motion lost by the following vote:

AYES—Bashore, Doyle, Hawkins, Howser, F. N., Knight, T. Fenton; Pelletier, Pfaff, Potter, Richie, Salsman, Sheridan, and Watson—12.

NOES—Andreas, Burkhalter, Burns, Hugh M., Cain, Call, Carlson, Clarke, Daley, Del Muto, Desmond, Dickey, Dilworth, Donnelly, Evans, Field, Gaffney, Gunlock, Hastain, Heisinger, Johnson, Kellem, Kilpatrick, Knight, John B., Lowrey, Maloney, Meehan, Middough, Miller, Millington, O'Day, Phillips, Poole, Poulson, Russell, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

Further consideration of Senate Concurrent Resolution No. 15 deferred.

Assembly Concurrent Resolution No. 27—Relative to the acquisition and use of beaches for public park purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Muto, Desmond, Dickey, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellem, Kilpatrick, Knight, John B., Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—Potter—1.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF SPECIAL ORDER

The hour of 10.15 p.m. having arrived, Senate Bill No. 29 was taken up.

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Demand for Previous Question

Messrs. Pfaff, Collins, Sam L. Howser, F. N. Knight, John B. and Stream demanded the previous question.

Demand for the previous question sustained.

The question being on the passage of Senate Bill No. 29.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 10.20 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 52

Mr. Crowley moved that Assembly Bill No. 52 be withdrawn from the Committee on Ways and Means for purpose of amendment, and be re-referred to the Committee on Ways and Means.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Mr. Crowley asked for, and was granted, unanimous consent to take up Assembly Bill No. 52, at this time, for the purpose of amendment.

CONSIDERATION OF ASSEMBLY BILL NO. 52

Assembly Bill No. 52—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Mr. Crowley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 2, of the printed bill, strike out "four million one hundred", and strike out all of line 3, and insert "three million four hundred twenty-one thousand eighty-seven (\$3,421,087) is".

Amendment No. 2

On page 1 of the printed bill, strike out lines 16 and 17, and insert "an increase for the period from February 1, 1942, to and including June 30, 1943, determined by the Governor, the Director of Finance and the State Personnel Board to be consistent with and not in excess of the percentage increase in the cost of living as reported by the Bureau of Labor Statistics of the United States Department of Labor, in no event to exceed twenty dollars (\$20) a month in, or 13.5 per cent of, the salary or wage of each employee of the State, whichever is lower."

Amendments read and adopted.

Bill ordered reprinted, and re-engrossed.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time for purpose of amendment.

**FURTHER CONSIDERATION OF SENATE CONCURRENT
RESOLUTION NO. 15**

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Resolution read.

Motion to Amend

Mr. Cain moved the adoption of the following amendment:

Amendment No. 1

Strike out lines 4 to 12, inclusive, of the printed bill, and insert "WHEREAS, It appears that there are employees of the State of California who may possess dual citizenship; and

WHEREAS, It appears that many State civil service lists are almost completely filled with the names of children of alien nationals who may not have renounced their dual citizenship; now, therefore,".

Amendment read and adopted.

Resolution ordered reprinted, and to third reading.

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Concurrent Resolution No. 14—Relative to additional compensation to State employees in the lower brackets necessitated by prevailing economic conditions.

Resolution read.

Demand for Previous Question

Messrs. Howser, F. N., Waters, Hawkins, Donnelly and Collins, Sam L., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Concurrent Resolution No. 14.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—Collins, Sam L., and Pfaff—2.

Resolution ordered transmitted to the Senate.

Hon. C. Don Field, Presiding

At 10.30 p.m., Hon. C. Don Field, Member of the Assembly from the Forty-third Assembly District, presiding.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act to add Section 1.2 to an act entitled 'An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately' (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 74: By Mr. Frederick F. Houser—An act to add Section 1.2 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON SENATE BILL NO. 29

At 10.37 p.m., on motion of Mr. Pfaff, further proceedings under the call of the Assembly were dispensed with.

Explanations of Vote

We have voted against Senate Bill No. 29, feeling that it does not provide adequate protection to the lives and property of the people of California. We favor the present status of the State Guard with an adequate appropriation.

JOHN EDWARD CAIN
WM. I. GUNLOCK

I voted "No" on Senate Bill No. 29 as it is too restrictive and lowers the Military standards. I was not at all concerned in the amount of the appropriation.

T. J. DOYLE

I voted "No" on Senate Bill No. 29 because I believe this bill in reorganizing the State Guard renders it ineffective through restricting its mobility and nullifies the Governor's constitutional rights as Commander-in-Chief to move the Guard as changing conditions of this perilous war period may demand.

EDWARD M. GAFFNEY

Speaker Presiding

At 10.40 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

ADJOURNMENT

At 10.45 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10.45 a.m., Sunday, January 18, 1942.

C. W. QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY
THIRTY-FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Sunday, January 18, 1942

The Assembly met at 10.45 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—74.

Quorum present.

PRAYER

Upon request of the Speaker, prayer was offered by Hon. Jesse Randolph Kellems, Member of the Assembly from the Sixtieth Assembly District.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Heisinger.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILLS NOS. 71 AND 72

Mr. Johnson moved that Assembly Bills Nos. 71 and 72 be withdrawn from the file, and referred to the Committee on Ways and Means.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 73

Mr. Desmond moved that Assembly Bill No. 73 be withdrawn from the file, and referred to the Committee on Ways and Means.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 74

Mr. Frederick F. Houser moved that Assembly Bill No. 74 be withdrawn from the file, and referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 71

Assembly Bill No. 72

Assembly Bill No. 73

Assembly Bill No. 74

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 71—An act to add Section 1.4 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 72—An act to add Section 1.3 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Criminal Identification and Investigation of the Department of Penology, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 73—An act to add Section 1.5 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 74—An act to add Section 1.2 to an act entitled “An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately” (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 52

And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered re-referred to Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 71

Assembly Bill No. 72

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 73

Assembly Bill No. 74

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 34—An act to amend Section 3.93 of the School Code, relating to the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately;

Assembly Bill No. 35—An act making an appropriation to the California Polytechnic School from the General Fund and providing for future repayment thereof from the Fair and Exposition Fund, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1942, at 11.30 a.m.

JOHN B. KNIGHT, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 55

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 68—An act making an appropriation to the Department of Agriculture, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Hastain moved a call of the Assembly.

Motion carried. Time, 10.46 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. O'Day moved to expunge the record, and rescind the action whereby all bills pending on file without reference to committee, and carrying an appropriation, together with bills before the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, were referred to the Committee on Ways and Means.

Ruling by Speaker

The Speaker ruled the motion out of order.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. O'Day moved that Rule No. 58 be temporarily suspended for the purpose of withdrawing Assembly Bills Nos. 50, 51 and 62 from the Committee on Ways and Means without the usual two-day notice.

Demand for Previous Question

Messrs. Turner, Thorp, Lyon, Waters and Collins, Sam L., demanded the previous question.

Demand for previous question sustained.

The question being on the temporary suspension of Rule No. 58.

The roll was called, and the motion lost by the following vote:

AYES—Andreas, Burkhalter, Cain, Del Mutolo, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, and Welch—21.

NOES—Bashore, Call, Carlson, Clarke, Collins, Sam L., Dickey, Dilworth, Doyle, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton, Leonard, Lyon, Miller, Millington, Pelletier, Phillips, Poulson, Stream, Thorp, Thurman, Turner, Waters, Watson, Weybret, and Mr. Speaker—31.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 25—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Gaffney,

Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Millington, O'Day, Pelletier, Phillips, Poulson, Richie, Russell, Sawallisch, Stream, Thomas, Thorp, Thurman, Turner, Waters, Welch, Weybret, and Mr. Speaker—48.
NOES—None.

Resolution ordered transmitted to the Senate.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Heisinger moved to expunge the record, and rescind the action whereby Senate Bill No. 29 was refused passage.

Mr. Gaffney seconded the motion.

Motion Withdrawn

Mr. Heisinger, with the consent of the second, withdrew his motion.

Speaker Pro Tempore Presiding

At 10.48 a.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Hastain, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Joint Resolution No. 24.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 24—Relative to price control.
Resolution read.

Demand for Previous Question

Messrs. Howser, F. N., Gunlock, Watson, Collins, Sam L., and Knight, John B., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Assembly Joint Resolution No. 24.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Hastain moved to expunge the record, and rescind the action whereby Assembly Joint Resolution No. 24 was this day refused adoption.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dills, Dilworth, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, John B., Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Watson, Welch, Wollenberg, and Mr. Speaker—54.
NOES—None.

Assembly Joint Resolution No. 24 ordered to third reading.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Desmond, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Assembly Joint Resolution No. 22.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 22—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Desmond, Dills, Dilworth, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O Day, Pelletier, Phillips, Poole, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—52.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Cain, Call, Clarke, Collins, Sam L., Del Mutolo, Desmond, Dills, Dilworth, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Voigt, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received and read, and on motion of Mr. Tenney, ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, January 18, 1942

State Assembly

Cave Jack Tenney, Sacramento, California

No Military force can function without separate quartermaster unit whose function it is to procure and distribute an account for food, clothing and transportation. Speaking with the authority of 25 years of active and reserve experience, I find that the first quartermaster regiment composed of specialists working under great handicaps have done an admirable job. As a citizen and resident of California I recommend that quartermaster troops remain in the State Guard otherwise your State force will suffer greatly and the cost of the State Guard will be double your present figure. I sincerely hope you will give this matter your utmost consideration.

MAJOR BAYNE

Quartermaster Corps Res. U.S.A.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 68**

At 10.50 a.m., on motion of Mr. Hastain, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Call, Carlson, Clarke, Collins, Sam L., Dickey, Dilworth, Donnelly, Doyle, Evans, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Dills, Hawkins, and Poole—3.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Call, Carlson, Clarke, Collins, Sam L., Dickey, Dilworth, Donnelly, Doyle, Evans, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Dills, Hawkins, and Poole—3.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cain asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

Senate Concurrent Resolution No. 15—Relative to loyalty of employees of the State of California.

Resolution read.

Motion to Grant Additional Time for Argument

Mr. Donnelly moved that Mr. Tenney be given an additional three minutes for argument on Senate Concurrent Resolution No. 15.

Motion carried.

Motion to Table Senate Concurrent Resolution No. 15

Mr. Bashore moved that Senate Concurrent Resolution No. 15 be laid on the table.

The roll was called, and the motion lost by the following vote:

AYES—Bashore, Carlson, Collins, Sam L., Hastain, Hawkins, Howser, F. N., Johnson, Kepple, Knight, T. Fenton; Lyon, Middough, Pelletier, Pfaff, Potter, Richie, Voigt, and Watson—17.

NOES—Allen, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Heisinger, Houser, Frederick F., Kellems, Kilpatrick, King, Knight, John B., Lowrey, Maloney, Massion, McCollister, Meehan, Miller, Millington, O'Day, Phillips, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—46.

Demand for Previous Question

Messrs. Lyon, Potter, Dilworth, Waters and Evans demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Senate Concurrent Resolution No. 15.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gunlock, Heisinger, Howser, F. N., Kellems, King, Lowrey, Maloney, Massion, McCollister, Meehan, Miller, Millington, O'Day, Phillips, Robertson, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Welch, and Weybret—41.

NOES—Bashore, Carlson, Clarke, Collins, George D., Collins, Sam L., Gaffney, Hastain, Hawkins, Johnson, Kepple, Knight, John B., Knight, T. Fenton; Lyon, Middough, Pelletier, Pfaff, Potter, Poulson, Richie, Watson, Wollenberg, and Mr. Speaker—22.

Resolution ordered transmitted to the Senate.

Explanation of Vote

We voted against this resolution, as we are emphatically opposed to intolerance of any form. It is our fear that legislation of this character will lead to intolerance. Further, this resolution simply directs a governmental agency to do what the law already requires it to do. We have full confidence in the F.B.I. having the situation under complete control.

LEE T. BASHORE
GORDON H. GARLAND

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 16, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Augustus F. Hawkins.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 18, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to amend Sections 553.1 and 555 of the Military and Veterans Code and to add Sections 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances, and rights of the State Guard, including unemployment and insurance benefits of persons who serve in the State Guard, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof,

declaring the urgency of this act, and providing that it shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Lloyd W. Lowrey.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 18, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to amend Section 3.90 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

CC: Honorable Hugh M. Burns and Honorable Harold F. Sawallisch.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 75: By Mr. Hawkins—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Sections 555.2, 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 76: By Mr. Lowrey—An act to amend Sections 553.1 and 555 of the Military and Veterans Code and to add Sections 555.5 and 555.6 thereto, relating to the State Guard, providing for the pay, privileges, allowances, and rights of the State Guard, including unemployment insurance benefits of persons who serve in the State Guard, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing it shall take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 77: By Messrs. Burns, Hugh M., and Sawallisch—An act to amend Section 3.90 of the School Code, all relating to the Public School System, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 32: By Messrs. Howser, F. N., Collins, Sam L., and Robertson—Relative to purchase of United States defense bonds by Members of the Legislature.

Request for Unanimous Consent

Mr. F. N. Howser asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 32, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 32

Assembly Concurrent Resolution No. 32—Relative to purchase of United States defense bonds by Members of the Legislature.

Resolution read.

Motion to Refer Assembly Concurrent Resolution No. 32 to Committee

Mr. Phillips moved that Assembly Concurrent Resolution No. 32 be referred to the Committee on Rules.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Clarke, Crowley, Daley, Dickey, Dills, Dilworth, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F. Howser, F. N. Johnson, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Richie, Russell, Salsman, Stream, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weybret, and Wollenberg—50.

NOES—Carlson, Collins, George D., Collins, Sam L., Donnelly, Hawkins, Massion, Poole, Robertson, Welch, and Mr. Speaker—10.

REPORTS OF STANDING COMMITTEES**Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 56

Assembly Bill No. 62

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bills ordered to second reading.

RECESS

At 10.55 a.m., on motion of Mr. Lyon, the Assembly recessed until 4 p.m.

REASSEMBLED

At 4 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 25

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 51

House Resolution No. 51—Relative to an additional appropriation from the Contingent Fund for the Assembly Committee on Camps for Juvenile Delinquents.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Doyle, Gaffney, Gunlock, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Knight, John B., Lowrey, Lyon, Maloney, Meehan, Middough, Miller, O'Day, Pelletier, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Tenney, Thorp, Thurman, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—49.

NOES—Carlson, Donnelly, and Heisinger—3.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 23

Assembly Concurrent Resolution No. 27

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Carlson moved to expunge the record, and rescind the action whereby House Resolution No. 63 was adopted on the previous legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—None.

FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 63

House Resolution No. 63—Relative to expression of sympathy to bereaved in air line crash.

Resolution read.

Motion to Amend

Mr. Carlson moved the adoption of amendments.

Amendments adopted.

Further Consideration of House Resolution No. 63, as Amended

House Resolution No. 63, as Amended January 18, 1942

Be it Resolved by the Assembly of the State of California, That House Resolution No. 63 be amended to read as follows:

House Resolution No. 63

Expressing sympathy to bereaved in airliner crash

WHEREAS, The Members of this Assembly have been profoundly shocked at the reported death of Carole Lombard Gable, Corporal M. B. Affrine, Second Lieutenant

James C. Barham, Sergeant A. M. Belejckak, Second Lieutenant Hal E. Browne, Jr., Sergeant Frederick P. Cooke, First Lieutenant Robert E. Crouch, Frederick J. Dittman, Second Lieutenant K. T. Donahue, Lois Hamilton, First Lieutenant Robert F. Negren, Sergeant Edgar A. Negren, Second Lieutenant Charles D. Nelson, Mrs. Elizabeth K. Peters, Second Lieutenant Stuart L. Swenson, Private Martin W. Tellfrank, Sergeant David C. Tilgman, Private Nicholas Varsamine, Otto Winkler, Wayne C. Williams, Morgan A. Gillette and Alice F. Getz, which appears to have occurred in an airplane crash en route to Los Angeles on January 16, 1942; and

WHEREAS, The above named members of the armed forces, after dedicating their all to the cause of freedom and the defense of our heritage of liberty, have made the supreme sacrifice while in the active service of their Country; and

WHEREAS, At the time of the crash Miss Lombard was returning from an extensive tour in connection with the Defense Bond Drive and the National defense effort; and

WHEREAS, Her untimely death has brought to an end a career of one who on the stage and screen has delighted millions, and who will be sorely missed not only by the people of this State, but by those throughout the world who have enjoyed the performances of this beautiful and talented young woman; now, therefore, be it

Resolved by the Assembly of the State of California, That this Assembly desires to express its profound sympathy to Clark Gable, the husband of Carole Lombard Gable, and to the bereaved families of the other deceased passengers; and be it further

Resolved, That when this Assembly adjourns this day it do so out of respect to the memory of the said persons; and be it further

Resolved, That suitably prepared copies of this resolution be prepared and transmitted by the Chief Clerk of this Assembly to the bereaved and to the Screen Actors Guild of Hollywood.

Resolution, as amended, read and adopted.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Frederick F. Houser:

Resolved, That Assembly Bill No. 74 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andrews, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Doyle, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Houser, F. N., Johnson, Kel-lens, Kepple, Leonard, Lowrey, Maloney, Massion, Mechan, Middough, Miller, Mil-lington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Veigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 74

Assembly Bill No. 74—An act to add Section 1.2 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the support of the Division of Vital Statistics of the State Department of Public Health, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Doyle, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Leonard, Lowrey, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.
NOES—None.

Bill read third time.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried. Time, 5.30 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****MOTION TO TEMPORARILY SUSPEND RULE NO. 33**

Mr. Johnson moved that that portion of Rule No. 33 be suspended to allow the placing of a call of the Assembly on Assembly Bill No. 71, and for the purpose of allowing further proceedings under the call of the Assembly, by unanimous consent, to consider Assembly Bill No. 71.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lowrey, Maloney, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—47.

NOES—Burkhalter, Cain, Collins, George D., Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Massion, Meehan, Richie, Russell, and Thomas—15.

CONSIDERATION OF ASSEMBLY BILL NO. 71**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Mr. Johnson:

Resolved, That Assembly Bill No. 71 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Doyle, Gaffney, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, T. Fenton; Leonard, Maloney, Massion, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Donnelly, and Russell—2.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 71—An act to add Section 1.4 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Johnson moved a call of the Assembly.

Motion carried. Time, 5.45 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

**MOTION TO TEMPORARILY SUSPEND RULE NO. 33 AND
EXPUNGE RECORD**

Mr. Heisinger moved that that portion of Rule No. 33 be suspended to allow the placing of a call of the Assembly on Senate Bill No. 29, and to allow further proceedings under the call of the Assembly; and to expunge the record and rescind the action whereby Senate Bill No. 29 was refused passage.

Division of the Question

Mr. Johnson demanded a division of the question.

The Speaker ordered a division of the question.

The question being on the motion to suspend that portion of Rule No. 33 in order to allow the placing of a call of the Assembly under a previous call of the Assembly?

The roll was called, and the motion lost by the following vote:

AYES—Allen, Bashore, Burns, Hugh M. Burns, Michael J. Hastain, Heisinger, Maloney, Middough, Poole, Robertson, Sawallisch, and Sheridan—12.

NOES—Andreas, Burkhalter, Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Leonard, Lowrey, Lyon, Massien, Meehan, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Potter, Richie, Russell, Salsman, Stream, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—50.

MOTION TO TEMPORARILY SUSPEND RULE NO. 33

Mr. Johnson moved that that portion of Rule No. 33 be suspended to allow the placing of a call of the Assembly on Assembly Bill No. 72, and for the purpose of allowing further proceedings under the call of the Assembly by unanimous consent to consider Assembly Bill No. 72.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Crowley, Desmond, Dickey, Dilworth, Doyle,

Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Middough, Miller, Millington, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—52.

NOES—Cain, Collins, George D., Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Massion, Meehan, O'Day, Richie, Russell, and Thomas—15.

CONSIDERATION OF ASSEMBLY BILL NO. 72

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Johnson:

Resolved, That Assembly Bill No. 72 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Johnson moved a call of the Assembly.

Motion carried. Time, 6.10 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

RECESS

At 6.15 p.m., on motion of Mr. Lyon, the Assembly recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Poulson moved that that portion of Rule No. 33 be temporarily suspended for the purpose of placing a call of the Assembly on Assembly Bill No. 56.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Bashore, Burkhalter, Carlson, Clarke, Crowley, Daley, Dickey, Dilworth, Doyle, Heisinger, Houser, Frederick F., Johnson, Kellems, Knight, John B., Leonard, Maloney, McCollister, Middough, Miller, Millington, Phillips, Poole, Potter, Poulson, Salsman, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Mr. Speaker—38.

NOES—Cain, Collins, George D., Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, King, Lowrey, Massion, O'Day, Richie, Russell, and Thomas—15.

CONSIDERATION OF ASSEMBLY BILL NO. 56

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Poulson:

Resolved, That Assembly Bill No. 56 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section

requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellem, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read second time.

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellem, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellem, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 55—An act making an appropriation for the support of the State Controller, to take effect immediately;

Assembly Concurrent Resolution No. 27—Relative to the acquisition and use of beaches for public park purposes;

Assembly Joint Resolution No. 23—Memorializing the President and the Congress to provide for the prompt completion of the All-American Canal to the Coachella Valley;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1942, at 10 p.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Joint Resolution No. 25**—Relative to memorializing the Federal Government to survey a water route from the Colorado River to the City of San Diego;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1942, at 10 p.m.

JOHN B. KNIGHT, Chairman

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. O'Day moved that that portion of Rule No. 33 be temporarily suspended for the purpose of placing a call of the Assembly on Assembly Bill No. 62, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Cain, Collins, George D., Crowley, Dickey, Dills, Donnelly, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Maloney, Massion, Meehan, Millington, O'Day, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—48.

NOES—Carlson, Clarke, Dilworth, Houser, Frederick F., Johnson, Knight, John B., Knight, T. Fenton; McCollister, Miller, Potter, and Turner—11.

SECOND READING OF ASSEMBLY BILL NO. 62

Assembly Bill No. 62—An act making an appropriation to the Emergency Fund for the payment of vacation claims as therein specified, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. O'Day:

Resolved, That Assembly Bill No. 62 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Knight, John B., Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Thurman—28.

NOES—Allen, Carlson, Clarke, Crowley, Daley, Dickey, Dilworth, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Salsman, Sheridan, Stream, Thorp, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—33.

Speaker Pro Tempore Presiding

At 10.15 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to

be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read third time.

Motion to Amend

Mr. Frederick F. Houser moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 3 to 5, inclusive, and insert "signed by a majority of the members, to the Governor, the State Department of Finance, and the State Board of Control.

(2) None of the moneys hereby appropriated shall be expended, allotted or encumbered or become available for expenditure for any purpose, unless and until the State Board of Control by unanimous vote (i) finds that a local agency has filed an application in accordance with subdivision (a) of subsection (1) and has expended since July 1, 1941, or agrees to expend, for State or local civilian defense purposes an amount equal to the moneys it proposes in its application be expended, allotted or encumbered; (ii) finds the State Council of Defense has made its recommendation in accordance with subdivision (b) of Subsection (1); (iii) finds that the purpose for an expenditure for which the local agency has filed an application is a civilian defense purpose; and (iv) specifically approves such purpose as to need and feasibility in relation to other defense needs and the maximum amount of money that may be expended therefor, and none of the moneys appropriated by this act shall be expended, allotted or encumbered or become available for expenditure for such purpose in excess of the amount so approved.

(3) In any case where local agency will expend money".

Amendment No. 2

On page 2, line 23, of the printed bill, as amended, strike out "3", and insert "4".

Amendment No. 3

On page 2, line 27, of the printed bill, as amended, strike out "proposed to", and insert "it proposes in its application".

Amendments read.

Demand for Previous Question

Messrs. Welch, Knight, John B., Collins, Sam L., Burkhalter and Lyon demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Assembly Bill No. 63.

The roll was called, and the amendments adopted by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Lyon, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Salsman, Sawallish, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—40.

NOES—Andreas, Cain, Crowley, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, Lowrey, Maloney, Massion, O'Day, Richie, Robertson, Russell, Tenney, and Thomas—20.

Bill ordered reprinted, and re-re-engrossed.

Explanation of Vote

While as a co-author I am in sympathy with objectives of Assembly Bill No. 63 I wish to record my disapproval of amendment by Mr. Frederick F. Houser limiting the prerogatives of the Governor.

(Signed) EDWARD M. GAFFNEY

MOTION TO PRINT IN JOURNAL

Mr. Johnson moved that the following communication from the Director of Finance be ordered printed in the Journal:

Mr. O'Day seconded the motion.

Motion carried.

January 18, 1942

*Honorable W. P. Rich, Chairman, Legislative Budget Committee
State Legislature, Sacramento, California*

SUBJECT: Emergency Fund Allotments

DEAR SENATOR RICH: In the Senate Journal of January 17, 1942, there was printed a communication by Mr. Vandegrift, Legislative Auditor, addressed to you, containing statements which it is my privilege and duty to clarify. I do not wish to be presumptuous in challenging Mr. Vandegrift's intent in addressing this communication to you, but I do say without hesitation that his conclusions are not predicated upon a clear understanding of the problems facing California during this time of great crisis.

In his memorandum the Legislative Auditor stated that your committee had been presented a list "purporting" to represent allocations promised or made from the Emergency Fund to provide for the immediate needs of several State agencies to undertake additional work made necessary by the present war between the United States and Japan, Germany, and Italy.

The list presented *was* a list of allocations which had been promised or made up to the date when it was presented to you and not a "purported" list. The actual allocation documents had been drawn and signed by me before the list was prepared.

In his memorandum the Legislative Auditor stated that Mr. Links of this department had informed him that some of the promises made by the Department of Finance from the Emergency Fund had been converted into Executive orders, and that others would be covered by Executive orders when it was determined that the departments could not effect sufficient savings to make the drawing of the orders unnecessary. The Legislative Auditor stated he "presumed" that this was reliable information. No presumption is necessary, because the information given was authentic. However, the emergency allotments shown on the list presented to the committee were those based upon the procuring of an Emergency Fund adequate to meet not only the known necessities but the contingent necessities should the present war continue until January 1, 1943.

In no instance has the Department of Natural Resources been informed by me that the \$138,301 allocated to the Division of Forestry would not be made available. No one has been authorized by me to make such a statement.

The Department of Agriculture was informed that because the Legislature has failed to make an adequate appropriation to the Emergency Fund to meet contingencies, which, if the war continues, are now known will be of more relative importance than those confronting the Department of Agriculture, it was found necessary to cancel for the present the allotment, totaling \$34,055, previously made to that agency. Furthermore, no other State agency has been informed, directly or indirectly, that their allotments promised would not be available as indicated.

On the other hand, it has become necessary for us to increase the allotment previously promised the Department of Institutions, made necessary by a recognized increase in its activities. I am sure that you recognize that the current situation in matters of State defense are so unstable that deviations from allotments made originally may from time to time be necessary.

You may recall that the Legislative Auditor made no provision in his recommendation covering the war-time essential activities for the Personnel Board, Department of Agriculture, California Maritime Academy, Department of Industrial Relations, Department of Public Health other than Vital Statistics, Department of Social Welfare, Division of Water Resources, and the Division of Architecture. In fact, his specific recommendations covered only the Bureau of Criminal Identification and Investigation, Bureau of Parole, Division of Forestry, Bureau of Vital Statistics, and State Council of Defense, within the list recommended directly by the Department of Finance. Further, your Legislative Auditor stated, substantially, to your committee that it was his opinion all items, except those which he recommended, should never have been granted. He informed the committee that "unfortunately" it had no power to change the allocations already made by the Director of Finance.

However, since informing the committee that he believed all the allocations made by the Department of Finance, with the exception of three or four, were unnecessary, he now presumes to champion the very agencies which he stated should not have been given any allocation whatever from the Emergency Fund for war-time activities by recommending that they be given special appropriations, which would carry them only until June 30, 1942. Incidentally, his recommendation for the Bureau of Vital Statistics of \$69,280 is \$44,337 greater than that allowed by this department.

The Legislative Auditor's comment in his memorandum to you regarding the State Fire Marshal that no money be allotted from the General Fund for the State Fire Marshal "for the reason that there is a balance in his special fund, used to support his office," is based only upon the auditor's own private opinion. Legal counsel has informed us that it is doubtful that the money in this fund can be spent for purposes other than the regulation of cleaning and dyeing industries. In a Supreme Court case relative to an attempt of the Legislature to appropriate for General Fund purposes, moneys collected under the police power of the State, the court held that such money could not be used for the ordinary operation of the State Government. There is sufficient doubt with reference to this matter that an allocation was made to the State Fire Marshal from the Emergency Fund. We are now awaiting an opinion from the Attorney General as to whether the unallocated balance in the State Fire Marshal's Fund may be used for general fire prevention work.

I shall appreciate it if you would have this answer to the Legislative Auditor's memorandum printed in today's Journal.

Very sincerely yours,

GEORGE KILLION, Director of Finance

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 24—Relative to price control.

Resolution read.

Motion to Amend

Mr. Hastain moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed measure, strike out "price control measure enacted" and insert "measure for the control of prices of agricultural products".

Amendment read and adopted.

Resolution ordered reprinted, and re-engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 18

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 18—Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period.

Request for Unanimous Consent

Mr. Dilworth asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 18, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 18

Senate Concurrent Resolution No. 18—Relative to requesting the Governor to issue a Proclamation calling upon motorists to reduce the speeds of motor vehicles during the emergency war period.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andrews, Bashore, Burkhalter, Burns, Hugh M. Burns, Michael J. Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Hastain, Heisinger, Houser, Frederick F. Howser, F. N. Johnson, Kellemis, Kepple, Kilpatrick,

Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Maloney, Meehan, Mid-dough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, and Weybret—52.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dilworth:

House Resolution No. 71

Relative to withdrawals from the Contingent Fund for interim committees

Resolved by the Assembly of the State of California, That, unless and until Assembly Bill No. 61 of the First Extra Session of the Fifty-fourth Legislature becomes law (An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, and declaring that this act shall take effect immediately), the Controller shall draw no warrants, except as permitted by this resolution, upon any appropriations made from the Contingent Fund of Assembly by Assembly house resolutions of the First Extra Session of the Fifty-fourth Legislature for the expenditures of any Interim Committee of the First Extra Session of the Fifty-fourth Legislature or for the expenditures of any Interim Committee of the Regular Session of the Fifty-fourth Legislature; and be it further

Resolved, That claims for any expenditure made or incurred prior to the approval of this resolution by the Assembly of the State of California shall not be subject to the first clause of this resolution and may be paid by the Controller, if no other money is available, from money made available by Assembly house resolutions of the First Extra Session of the Fifty-fourth Legislature.

Resolution read, and referred to Committee on Rules.

By Messrs. Sawallisch and Burns, Hugh M.:

House Resolution No. 72

WHEREAS, Carroll Dudley has faithfully and diligently served the Members of the Fifty-fourth Session of the Legislature in the capacities of Bill Room Clerk, File Clerk and Assistant Clerk; and

WHEREAS, He has secured a position with the W. K. Kellogg Company and will no longer be able to devote his time to the legislative service; and

WHEREAS, This Assembly is appreciative of the efficient manner in which he discharged the duties of his office and of the many courtesies which he extended to all members during the years he has been identified with the Legislature of California; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly join in commending Carroll Dudley for his fine work as an attache of the Assembly and though they deeply regret that he finds it necessary to sever his connection with the Assembly, yet they extend to him every good wish for continued success in his new endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly present a suitably engrossed copy of this resolution to Carroll Dudley.

Request for Unanimous Consent

Mr. Sawallisch asked for, and was granted, unanimous consent to take up House Resolution No. 72, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. Burkhalter:

House Resolution No. 73

Relative to payment of claims incurred by or on behalf of units of the State Guard

WHEREAS, Obligations have been incurred since December 7, 1941, by or on behalf of units of the State Guard; and

WHEREAS, Many of these obligations remain unsatisfied, while at the same time money is available or has been promised to be allocated from the Emergency Fund in order to pay these obligations; now, therefore, be it

Resolved by the Assembly of the State of California, That appropriate executive officers of the State Government at once make provision for the payment of these obligations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, The Adjutant General, and the Director of Finance.

Resolution read, and referred to Committee on Rules.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 28—Relative to rolls of honor of State employees in the United States armed forces.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Carlson, Collins, George D., Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Howser, F. N., Johnson, Kilpatrick, Knight, John B. Lowrey, Maloney, Massion, Meehan, Miller, O'Day, Poole, Poulson, Robertson, Russell, Salsman, Sheridan, Tenney, Thomas, Thorp, Thurman, Voigt, Weber, Welch, and Wollenberg—41.

NOES—Clarke, Hastain, Heisinger, Kellems, Knight, T. Fenton; Millington, Pelletier, Pfaff, Phillips, Potter, Stream, Waters, and Weybret—13.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 19—Relative to defense of the California Coast.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Evans, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kilpatrick, Knight, John B., Knight, T. Fenton; Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Phillips, Poole, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Turner, Voigt, Waters, Weber, Wollenberg, and Mr. Speaker—49.

NOES—Richie—1.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 33: By Mr. Lyon—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 34: By Mr. O'Day—Relative to requesting an investigation into milk prices.

Motion to Temporarily Suspend Rules

Mr. O'Day moved that the Rules be temporarily suspended to permit consideration of Assembly Concurrent Resolution No. 34 under a call of the Assembly, at this time.

Motion to Table Motion

Mr. Dills moved that the motion by Mr. O'Day be laid on the table.
Motion carried.

MOTION TO PRINT EXPLANATION IN JOURNAL

Mr. Weber moved that his explanation of absence from the Assembly be printed in the Journal.

Motion carried.

Explanation of Absence

In justice to the Members of the Assembly, my absence from the Assembly on Saturday should be explained.

In Saint Dominics Church, San Francisco, at high noon, my niece, Miss Helen Weber Kennedy, became the bride of John Edward Cahill.

The event was of special significance to many people in California.

To members of my family and to me it was a solemn and joyous occasion, as I hold my niece with the same regard that many Members do their own daughters.

At frequent intervals I was in touch with the Speaker's desk by long distance phone and stood ready to return and cast my vote, but it was felt that it would not affect the results.

CHARLES M. WEBER

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, Knight, John B., Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Turner, Voigt, Waters, Weber, Welch, and Wollenberg—51.

NOES—None.

Resolution ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 71

At 11.45 p.m., on motion of Mr. Johnson, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dills, Dilworth, Doyle, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton, Leonard, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Burkhalter, Cain, Collins, George D., Donnelly, Evans, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Massion, O'Day, Richie, Russell, and Thomas—16.

Further consideration of Assembly Bill No. 71 deferred.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION TO CONSIDER ASSEMBLY BILL NO. 72

At 11.47 p.m., on motion of Mr. Johnson, further proceedings under the call of the Assembly were dispensed with.

Motion to Expunge Record and Rescind Action

Mr. Johnson moved to expunge the record and rescind the action whereby the resolution to suspend the constitutional provision in order to consider Assembly Bill No. 72 was this day refused adoption.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—50.

NOES—Burkhalter, Cain, Collins, George D., Dills, Evans, Gaffney, Gunlock, Hawkins, Kilpatrick, Massion, Richie, Russell, and Thomas—13.

Further consideration of Assembly Bill No. 72 deferred.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY BILL NO. 74

At 11.50 p.m., on motion of Mr. Frederick F. Houser, further proceedings under the call of the Assembly were dispensed with.

Motion to Expunge Record and Rescind Action

Mr. Frederick F. Houser moved to expunge the record and rescind the action whereby Assembly Bill No. 74 was this day refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Burns, Michael J., Carlson, Clarke, Daley, Desmond, Dickey, Dilworth, Doyle, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Mehan, Middough, Miller, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, and Wollenberg—45.

NOES—Burkhalter, Cain, Collins, George D., Dills, Evans, Gaffney, Gunlock, Kilpatrick, Massion, O'Day, Richie, and Thomas—12.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. F. N. Howser, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to John B. DeMaria of San Francisco.

On request of the San Francisco delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Walter Mails, publicity director, San Francisco Baseball Club.

ADJOURNMENT

At 11.57 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 11 a.m., Monday, January 19, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

TWELFTH LEGISLATIVE DAY
THIRTY-SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, January 19, 1942

The Assembly met at 11 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Feuton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middlough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—70.

Quorum present.

PRAYER

Upon request of the Speaker, prayer was offered by Hon. Jesse Randolph Kellems, Member of the Assembly from the Sixtieth Assembly District.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mrs. Daley.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Joint Resolution No. 24

And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported resolution ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 63
And reports the same correctly re-re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 24

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 63—An act to make an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended only for civilian defense purposes; defining civilian defense purposes; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kel-
lems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—55.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kel-
lems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—55.
NOES—None.

Bill ordered transmitted to the Senate.

Explanation of Vote

I am opposed to the political prejudice implied in this bill and further to the dissipation of State property to the counties. I would not expect the counties to appropriate funds to the State and am opposed to the reverse order.

VERNON KILPATRICK

Assembly Bill No. 1—An act augmenting the Emergency Fund to provide money for the California Maritime Academy, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Dickey, Dilworth, Evans, Gaffney, Gunlock, Hastain,

Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—55.
 NOES—Bashore—1.

Motion to Expunge Record and Rescind Action

Mr. Pfaff moved to expunge the record and rescind the action whereby Assembly Bill No. 1 was this day refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dills, Dilworth, Evans, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—59.
 NOES—None.

Assembly Bill No. 1 ordered to third reading.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Lyon moved to expunge the record and rescind the action whereby House Resolution No. 68 was adopted.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Donnelly, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Leonard, Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Salsman, Sawallisch, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.
 NOES—Evans—1.

House Resolution No. 68 re-referred to Committee on Rules.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 71—An act to add Section 1.4 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Bureau of Parole of the State Board of Prison Directors, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Further consideration of Assembly Bill No. 71 deferred.

MOTION TO REQUEST THE SENATE TO RETURN SENATE BILL NO. 29

Mr. Wollenberg moved that the Assembly request the Senate to return Senate Bill No. 29 to the Assembly for possible consideration.

Motion carried.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Allen, seconded by Mr. Waters, ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, January 10, 1942

Mr. Gordon Garland

DEAR FRIEND: The enclosed resolution has been sent to most of the Southern California Assemblymen, and our other elected leaders as stated. The same has also been presented to local civic and religious leaders. This task is a spontaneous expression of all types of our citizens, this resulted in forming an independent "Citizens' Welfare Council," at the suggestion of Supervisor Gordon McDonough and some 500 citizens meeting in the board room, I had the honor to be selected as chairman. We meet every Thursday at 2 p.m. in the board of supervisors' assembly room. Many of these unfortunate women are mothers of boys in the service of the Army. I can personally vouch for the high intelligence and integrity that their influence has radiated in this community. Many of them were known to be of high position and wealth, but hard luck and bad investments sounded the count of 10 for these victims of circumstances, and they are now leaning on the "ropes of our consideration." They are placing all of their hopes on us, and for humanity's sake we can not let them down.

I have not forgotten the friendly letter you wrote me months ago when we were discussing the same problem of relief before the S.R.A. was disbanded. Just to maintain our sense of humor even in these trying times, my husband accuses me of taking over the S.R.A. (Suchman Relief Administration) as he contemplates my diminishing bank balance. In all seriousness the proper increase is important to meet the rise of food and rent prices. We must not take away the self respect of these mothers of men. As a last resort they are banking all of their hopes on you to show the "Least of these" that you do care.

May God guide and guard you and all entrusted with the tremendous responsibility that this crisis demands.

Sincerely yours,

MRS. EDWARD SUCHMAN

P. S.—Please read to Assembly in session.

December 29, 1941

To the Governor and Members of the California Legislature

GENTLEMEN: The inclosed petition explains the unfortunate condition of thousands of relief clients in Los Angeles County.

Common justice and humanity, as well as the necessity for maintaining civilian morale in time of emergency, require that Government agencies shall not neglect even these relatively small groups in the community, thus giving plausibility to the oft-repeated charge that public officials do not care for the people.

Mr. Wayne Allen, Manager of Los Angeles County, has stated that the county could take adequate care of so-called "unemployables," if the State will make sufficient appropriation for "employables."

Therefore, we suggest that the Governor and the Legislature include in its agenda during the present session, proposals for meeting this tragic relief situation in Los Angeles County.

This matter was presented to the Board of Supervisors of Los Angeles County in public hearing on December 23, 1941, and later the same day to Mr. Allen, County Manager.

We trust that you will give this your earnest consideration.

Respectfully yours,

CITIZENS WELFARE COUNCIL

MRS. GLENDORA PARKER

MRS. JAMES GUTHRIE

D. B. TROTH

TED E. FELT

By MRS. EDWARD SUCHMAN, Chairman

COPY OF PETITION PRESENTED TO THE BOARD OF SUPERVISORS,

LOS ANGELES COUNTY, DECEMBER 23, 1941

To the Honorable Board of Supervisors

The undersigned committee, appointed by representatives of civic, taxpayer, Red Cross, citizens welfare committees, patriotic and charitable organizations, etc., do hereby make the following resolution to be presented to the board of supervisors, the advisory board and Mr. Wayne Allen, Manager of Los Angeles County:

WHEREAS, The aged and unemployed women on relief in Los Angeles County find the sum of \$19.55 insufficient to furnish the necessities of life; this scant sum of \$19.55 is not only a reflection upon the humanity of Los Angeles County,

but also causes, through improper food and lack of balanced diet, many cases of illness and hospitalization which adds much additional cost to the charity budget.

The State of California has established the sum of \$40 as the minimum amount necessary to maintain elderly persons over the age of 65 years. It is obvious that the small sum of \$19.55 falls far below the minimum requirements of those who in a large number of cases are only slightly under 65 years of age. Therefore we, the members of the committee, propose that not less than \$25 per month be paid to all single women receiving this type of relief with the unrestricted privilege of residing in places of their own choosing, free from any interference whatsoever.

Respectfully yours,

CITIZENS WELFARE COUNCIL

MRS. GLENDORA PARKER

MRS. JAMES GUTHRIE

D. B. TROTH

TED E. FELT

By MRS. EDWARD SUCHMAN, Chairman

We, the undersigned, citizens of Los Angeles County, believe that the above petition is worthy of careful consideration and that the reasons advanced speak for themselves; therefore,

We request, That the board of supervisors and/or other governmental bodies which allocate public funds take immediate steps to rectify this tragic condition.

Signature

Address

Milton K. Young-----	611 S. Kenmore Avenue, Los Angeles
Harry L. Ferguson-----	6325 Rita Avenue, Huntington Park
Elwood H. Lightholder-----	1933 W. 42d Street, Los Angeles
Jessie Pearl Lytle (Mrs. Paxton)-----	5253 W. 21st Street, Los Angeles
Mabel E. Kinney-----	3726 Grayburn Avenue, Los Angeles
Ida Stock-----	1962 Avon Street, Los Angeles
Mrs. Mabel White (Representing Women of America)-----	
-----	648 S. Broadway, Los Angeles
Mrs. O. P. Hanna-----	260 Cerreras, Long Beach
Mrs. Helen Adams Neely-----	1151 E. Menlo Drive, Altadena
John B. Carruthers-----	1015 Prospect Blvd., Pasadena
Elizabeth Mason Hohl-----	671 N. Mariposa, Los Angeles
Ann Meservey-----	1315 N. La Brea, Los Angeles
Florence K. Robertson-----	2447 S. Orange Drive, Los Angeles
Janie McCarty (Founder, Women Courageous)-----	
-----	c/o The Altadena Press, Altadena

The following communication was received and read, and on motion of Mr. Kellems, ordered printed in the Journal:

SANTA MONICA, CALIFORNIA, January 17, 1942

*Hon. Jesse Kellems, Sixtieth District Assemblyman
Care Western Union at the State Capitol*

You were nominated by Democratic Party at last primary. After last night's debate, Women's Division, National Democratic Party, Sixtieth Assembly District, now request that you as nominee of majority Democratic Party in this district change your vote to favor program approaching unanimous vote of Senate in relation to State Guard. Respectfully request that this telegram be read on floor of Assembly same as communications against Guard.

JANNIE LEE HUTCHINS, Chairman
Women's Division, National Democratic Party
Sixtieth Assembly District

Remarks by Dr. Kellems

I have consistently voted for the only State Guard bill which has been brought before the Assembly for a vote.

JESSE RANDOLPH KELLEMS

The following communication was received, read, and on motion of Mr. Thurman, ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, January 19, 1942

*Honorable Charles W. Lyon
State Assemblyman, State Capitol*

I have just returned from Washington where I secured information relative to plans of the Army to organize a guard unit and have just received additional

information from the Executive Director of the United States Conference of Mayors after conversation with Army Officers in War Department today. It appears quite definitely that the announcement last week by Secretary of War Stimson of organization of 50 battalions of Military Police for guarding property is only beginning of the Expansion Program of the Army, and that plans are being developed to induct into service many of those who may not meet Army requirements for regular combat units in order that trained soldiers may be released from any form of guard duty. In other words, it seems certain that while the necessity for relieving combat units of the Army of guarding property is well recognized, this function will, within a comparatively short time, be taken over by the United States Army. It also further very definitely appears that the protection of life and property in California will be the responsibility of the Federal and local governments through the organization of Army units and increased personnel of sheriffs' forces and police in incorporated cities. While in Washington I also secured satisfactory information that the fund of \$150,000,000 created by the two bills now in conference will not materially aid local governments in the financial burden of providing adequate defense for life and property. Federal funds will be used for purchase of equipment including following: Gas masks, surgical equipment for medical teams, casualty stations, stretchers, folding cots, first aid belts, identification tags, armbands, gas proof capes, steel helmets, firemen's helmets, firemen's boots, coats and gas protective clothing, fire wardens' equipment and a limited number of pumper units and nothing else. I urge State funds for assistance of cities and counties to as great an extent as possible under limitation of Governor's call.

FLETCHER BOWRON, Mayor

The following communication was received, read, and on motion of Mr. Cain, ordered printed in the Journal:

BROTHERHOOD RAILWAY CARMEN OF AMERICA

OAK PARK LODGE, No. 1344, SACRAMENTO, CALIFORNIA, January 16, 1942

WHEREAS, The State of California has been declared a Theater of War by the War Department; and

WHEREAS, It is of vital importance to the welfare, security and protection of our citizens that Governor Culbert L. Olson's request for \$17,000,000 appropriation to the California State Guard be enacted by the Legislature; and

WHEREAS, It is essential that no restrictions whatsoever be placed upon the State Guard by the Legislature, so it can function efficiently in guarding and protecting life and property in California; now, therefore, be it

Resolved by the Oak Park Lodge No. 1344 Brotherhood of Railway Carmen of America, That the California Legislature, now meeting in Special Session, immediately pass the legislation suggested by the Governor without any further political debate; and be it further

Resolved by the Oak Park Lodge No. 1344 Brotherhood of Railway Carmen of America, That at least \$10,000,000 be appropriated to the Governor's Emergency Fund for the use of the Governor to meet any emergency which may arise due to the state of war which now exists; and be it further

Resolved, That copies of this resolution be furnished the press and copies be sent to Governor Culbert L. Olson; Senators Swan, Dillinger and Rich and to Assemblymen Cain, Desmond, Thurman, Millington; D. B. Huggins, President System Federation No. 117 Railway Employees and to Speaker of the Assembly, Gordon Garland, so that the Speaker may order the printing of this resolution in the Assembly Journal.

[SEAL]

DEL PARKER, Secretary Legislative Committee

B. R. C. of A.

MOTION TO PRINT IN JOURNAL

Mrs. Daley moved that the following list be ordered printed in the Journal:

Membership State Council of Defense

Governor Culbert L. Olson, Chairman.

Assemblyman Don Allen, 3867 South Degnan Boulevard, Los Angeles.

Dr. Bertram Brown, Director of Public Health, Room 603, Phelan Building, 760 Market Street, San Francisco.

Mr. William J. Cecil, Director, State Department of Agriculture, State Office Building No. 1, Sacramento.

Assemblywoman Jeanette E. Daley, 4231 Witherby Street, San Diego.

Major Milton T. Dean, U. S. Army, Ret., 2097 West 29th Street, Los Angeles.

Dr. Walter F. Dexter, Supt. of Public Instruction, State Department of Education, Library and Courts Building, Sacramento.

The Honorable J. O. Donovan, Adjutant General of California, State Office Building No. 1, Sacramento.

Robert F. Garner, Jr., 117 Veterans Bureau, San Francisco, Commander American Legion.

Colonel F. E. Foster, General Manager, California Oil and Gas Association, 510 West Sixth Street.

L. G. Taggart, Department Commander, Department of California Veterans of Foreign Wars, 110 Harding Ave., Bakersfield.

C. J. Haggerty, State President, American Federation of Labor, 538 Maple Avenue, Los Angeles.

Harold Kennedy, Secretary, California Council of County Officials, Hall of Records, Los Angeles.

John B. Long, General Manager, California Newspaper Publishers Association, 610 South Main Street, Los Angeles.

Prof. Samuel C. May, Director, Bureau of Public Administration, 117 Library Bldg., University of California, Berkeley.

President Robert Millikan, California Institute of Technology, 1201 East California Street, Pasadena.

James Mussatti, General Manager, California State Chamber of Commerce, 350 Bush Street, San Francisco.

Senator Irwin T. Quinn, 2205 H Street, Eureka.

Mrs. Thomas Richards, 330 Ivy Street, Chico.

E. F. Scattergood, General Manager, Los Angeles Department of Water and Power, 207 South Broadway, Los Angeles.

John Despol, 5616 Adale Place, Los Angeles.

Harry Sec, State Representative, Brotherhood of Railroad Trainmen, Pacific Building, San Francisco.

Senator Ralph E. Swing, 311 Central Building, San Bernardino.

Jesse W. Tapp, Vice President, Bank of America, No. 1 Powell Street, San Francisco.

The Honorable Earl Warren, Attorney General of California, State Building, San Francisco.

Assemblyman Fred Weybret, Soledad.

President Ray Lyman Wilbur, Stanford University, Palo Alto.

Dr. Baldwin M. Woods, 212 Post Office Building, Berkeley.

Archibald Young, Chairman, State Social Welfare Board, 808 South San Rafael Avenue, Pasadena.

Frank W. Clark, Director of Public Works, Sacramento.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Pursuant to your request, and instructions of the Senate, I am returning to you herewith Senate Bill No. 29.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Johnson moved to expunge the record, and rescind the action whereby Senate Bill No. 29 was refused passage.

Mr. John B. Knight seconded the motion.

Demand for Previous Question

Messrs. Knight, John B., Leonard, Pfaff, Potter and Dilworth demanded the previous question.

The roll was called, and the demand for previous question not sustained by the following vote:

AYES—Carlson, Clarke, Dickey, Dilworth, Hastain, Houser, Frederick F., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Potter, Poulson, Salsman, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—30.

NOES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Collins, George D., Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Knight, T. Fenton; Lowrey, Maloney, Massion, Meehan, Mid-

dough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Sawallisch, Tenney, Thomas, and Welch—33.

The question being on the motion to expunge the record and rescind the action whereby Senate Bill No. 29 was refused passage.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 2.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON MOTION TO EXPUNGE RECORD AND RESCIND ACTION ON SENATE BILL NO. 29

At 2.30 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the motion carried by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Evans, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, Pfaff, Potter, Poulson, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—43.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Russell, Tenney, and Thomas—24.

THIRD READING OF SENATE BILL NO. 29

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code, and to add Section 555.2 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights for the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances, and rights, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Johnson moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 16, of the printed bill, as amended, strike out "other".

Amendment No. 2

On page 3, line 20, of the printed bill, as amended, after "regiments", insert "including a quartermasters regiment to be organized on the same basis as herein after provided for infantry regiments".

Amendment No. 3

On page 3, line 34, of the printed bill, as amended, strike out "and", and insert "one officer having the rank of lieutenant who shall act as regimental".

Amendment No. 4

On page 5, line 16, of the printed bill, as amended, strike out "5,000", and insert "7,000".

Amendments read and adopted.

Bill ordered reprinted, and to third reading.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 19, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act making an appropriation for the expenses of the Assembly, this act to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

Copy to Honorable Seth Millington.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was introduced, and read the first time:

Assembly Bill No. 78: By Mr. Millington—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Referred to Committee on Ways and Means.

WITHDRAWAL OF ASSEMBLY BILL NO. 78

Mr. Millington asked for, and was granted, unanimous consent to have Assembly Bill No. 78 withdrawn from the Committee on Ways and Means, and placed on file.

Motion carried.

Request for Unanimous Consent

Mr. Millington asked for, and was granted, unanimous consent to take up Assembly Bill No. 78, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 78

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Millington:

Resolved, That Assembly Bill No. 78 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dickey, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 78

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Bill read second time.

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andrews, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dickey, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg and Mr. Speaker—60.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andrews, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dickey, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg and Mr. Speaker—60.

NOES—None.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 24—Relative to temporary four-lane highways;

And reports that the same has been correctly enrolled, and presented to the Governor on the nineteenth day of January, 1942, at 4 p.m.

JOHN B. KNIGHT, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 33

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 33, at this time, without reference to file, and that same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 33

Assembly Concurrent Resolution No. 33—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 52

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

MILLINGTON, Chairman

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 52—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941 for the purpose of augmenting appropriations for the support of the Government of the State in order to provide salary and wage increases for State employees and providing that this act shall take effect immediately.

Bill read third time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Ways and Means:

Amendment No. 1

On page 1, lines 19 and 20, of the printed bill, as amended, strike out "the Governor, the Director of Finance", and insert "the State Board of Control".

Amendment No. 2

On page 2, line 6, of the printed bill, as amended, after "SEC. 3.", insert "None of the money appropriated by this act shall be used for any purpose other than as provided in this act nor be used to augment any appropriation for support for the payment of any other salary adjustment than the adjustments for which money is provided in this act.

None of the money appropriated by this act shall be used to pay all or any part of the salary of any member of the State Guard.

SEC. 4."

Amendments read and adopted.

Bill ordered reprinted, and re-re-engrossed.

Assembly Joint Resolution No. 24—Relative to price control.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Donnelly, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lowrey, Lyon, McCollister, Miller, Millington, Pfaff, Potter, Poulson, Sals-

man, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, and Weybret—41.

NOES—Bashore, Burkhalter, Burns, Michael J., Crowley, Evans, Gaffney, Hawkins, Kilpatrick, King, Maloney, Massion, Meehan, Middough, O'Day, Poole, Richie, Russell, Tenney, Thomas, Welch, and Wollenberg—21.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication from the Legislative Counsel Bureau was received, read, and on motion of Mr. Johnson, ordered printed in the Journal:

COPY

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 19, 1942

*Honorable Gardiner Johnson, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: Motions to Rescind

DEAR MR. JOHNSON: You have asked our opinion as to the vote necessary in the Assembly to rescind the action whereby an urgency measure is defeated.

It is our opinion that under Rule No. 60 of the Assembly Standing Rules 41 votes are required to rescind the action whereby an urgency measure is defeated in the Assembly.

Standing Rule No. 60 provides that "Any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership."

In this case the "action" was the defeat of the bill. Since the bill was an urgency measure requiring 54 votes for passage, and the "action" was the defeat of the bill which required 27 votes, it appears that 27 votes were sufficient to take such "action" i.e., defeat of the bill, originally. However, the rule further provides that in any case the minimum vote for rescission is 41 votes.

Conversely, if the "action" had been the passage of an urgency measure the vote required to rescind that action would be 54 votes.

This interpretation of the Rule appears to be consistent with the interpretation of the Rule heretofore by the Assembly.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 29—An act to amend Sections 553.1, 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Demand for Previous Question

Messrs. Johnson, Houser, Frederick F., Potter, Pfaff and Watson demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Senate Bill No. 29.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Johnson moved a call of the Assembly.

Motion carried. Time, 4.30 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****REPORTS OF STANDING COMMITTEES****Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Senate Bill No. 9

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 9—An act to add Chapter 11, consisting of Sections 475 to 496, inclusive, to Part 1, Division 2, of the Military and Veterans Code, relating to suspending enforcement of certain civil liabilities of persons in the Military service of the State and providing for the reinstatement in employment of such persons upon their completion of Military service, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Ways and Means:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 2 and 3, and insert "and Veterans Code relating to the State Guard, providing for the privileges and rights of the State Guard, permitting members of the State Guard and applicants for membership to elect to be available for limited active service only, providing that such members shall constitute the reserve force of the State Guard and for their organization into units of the home guards as provided herein, declaring the urgency of this act,".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 9 to 25, inclusive, and insert

"580. Each officer and enlisted man in the State Guard on the effective date of this section shall have the right to determine whether he shall be available for full-time active service in the State Guard or for limited service only. Any member of the State Guard who desires to be available for limited service only shall so declare in writing within 30 days after the effective date of this section. All persons who become members of the State Guard after the effective date of this section shall declare in writing whether they elect to be available for full-time active service or for limited service.

581. The members of the State Guard on the effective date of this section who elect to be available for limited service and all persons who hereafter become members of the State Guard and declare at the time that they desire to be available for limited service only shall constitute the reserve force of the State Guard. The reserve force of the State Guard shall be designated the home guards.

582. The home guards shall not be available for service except by virtue of the exercise by the Governor of his power to call forth the Militia as provided in Section 1 of Article VIII of the Constitution of this State. No member of the home

guards shall be paid for service therein unless called into active full-time service as provided in Section 1 of Article VIII of the Constitution of the State.

583. The members of any unit of the home guards may at any time voluntarily serve on limited active duty, without pay of any kind, pursuant to authorization of such service by The Adjutant General and subject to such general or special orders as The Adjutant General may issue, whenever a sheriff or chief of police requests such unit to volunteer for service to assist the sheriff or chief of police in connection with National defense problems.

584. The home guard shall be organized into such number of units as The Adjutant General may approve, the commissioned and enlisted strength of each such unit to conform generally to the Tables of Organization of the United States Army or Tables of Organization for the National Guard, subject to the provisions of this chapter."

Amendment No. 3

On page 2, line 10, of the printed bill, as amended, strike out "sheriff of the county", and insert "Adjutant General".

Amendment No. 4

On page 2, lines 25 and 26, of the printed bill, as amended, strike out "and under the order of the sheriff or", and insert "as provided in this chapter and under the order of".

Amendment No. 5

On page 2, line 32, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 6

On page 2, line 33, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 7

On page 2, line 36, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 8

On page 2 of the printed bill, as amended, strike out lines 38 and 39, and insert "590. The".

Amendment No. 9

On page 2, line 42, of the printed bill, as amended, strike out "from the sheriff or".

Amendment No. 10

On page 2, line 49, of the printed bill, as amended, strike out "sheriff", and insert "Adjutant General".

Amendment No. 11

On page 3 of the printed bill, as amended, strike out lines 16 to 18, inclusive.

Amendment No. 12

On page 3 of the printed bill, as amended, strike out line 25, and insert "States or of the active membership of the State Guard of this State."

Amendment No. 13

On page 3, lines 26 and 27, of the printed bill, as amended, strike out "the sheriff of a county, or".

Amendments read and adopted.

Bill ordered reprinted, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the Proclamation calling a possible Special Session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Cull, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister,

Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Potter, Poulson, Richie, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.
NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Poole, Potter, Poulson, Richie, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.
NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 73—An act to add Section 1.5 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and refused adoption by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Evans, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, T. Fenton; Leonard, Lyon, McCollister, Middough, Miller, Millington, Pfaff, Poole, Potter, Poulson, Russell, Salsman, Sawallisch, Stream, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—44.
NOES—Andreas, Burkhalter, Cain, Collins, George D., Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Maloney, Massion, Meehan, O'Day, Pelletier, Richie, Robertson, Tenney, and Thomas—20.

Notice of Motion to Reconsider Urgency Clause to Assembly Bill No. 73

Mr. Desmond gave notice that on the next legislative day he would move to reconsider the vote whereby the urgency clause to Assembly Bill No. 73 was this day refused adoption.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 35: By Mr. Lyon—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 35, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 35

Assembly Concurrent Resolution No. 35—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Doyle, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Potter, Poulson, Russell, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—42.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Dills, Donnelly, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Tenney, Thomas, and Welch—25.

Resolution ordered transmitted to the Senate.

Explanations of Vote

I am very much opposed to recessing without first having appropriated ample funds for maintenance of the State Guard as now constituted and organized. It is regrettable that the prevailing "mistrust and distrust" between our own members exists.

VERNON KILPATRICK

I voted "No" on the motion to recess because we have failed to pass an appropriation for the already existent State Guard or an adequate sum for the Governor's Emergency Fund to assist local and State governmental units with defense activities. I believe that the Legislature should vote adequate funds and demonstrate the unity of California to do everything possible to protect the life and property of our citizens.

RALPH C. DILLS

I am opposed to recessing without funds to continue the State Guard to protect lives and property. Several bills to do this have been introduced. A so-called economy bloc is forcing recess after considering only one bill which all authorities agree would kill the State Guard.

AUGUSTUS F. HAWKINS

We, the undersigned, voted against Assembly Concurrent Resolution No. 35 recessing to December 7, 1942, because we feel that all legislative work should be completed now. If an emergency arises the Governor can reconvene the Legislature.

JOHN EDWARD CAIN
EDWARD F. O'DAY

Speaker Pro Tempore Presiding

At 4.50 p.m., Hon. Earl D. Desmond, Speaker pro tempore of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 19

J. A. BEEK, Secretary of the Senate
By **JOHN F. LEA**, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 19—Relative to reduction in school expenditures.

Request for Unanimous Consent

Mr. Johnson asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 19, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 19

Senate Concurrent Resolution No. 19—Relative to reduction in school expenditures.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—Hawkins, Kilpatrick, King, and Richie—4.

Resolution ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 29

At 5.10 p.m., on motion of Mr. Johnson, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Senate Bill No. 29 refused passage by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Desmond, Dickey, Dilworth, Evans, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, McCollister, Miller, Millington, Pelletier, Pfaff, Potter, Poulson, Salsman, Sawallisch, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, Tenney, and Thomas—25.

Explanations of Vote

The undersigned voted against the passage of Senate Bill No. 29 for the following reasons:

We believe that the Legislature should NOT attempt to rearrange or reconstruct the already completed State Guard organization machinery.

Because that machinery, specifically designed to handle all possible wartime contingencies in this all-important production-for-defense State, has been set up by experienced and competent Military authorities.

Because its present structure should be retained in so far as the State Legislature is concerned. Deletion of a single defense unit, cancellation of a single department, would undermine and weaken the machinery as a whole and deprive the citizens of this State and the nationally important war industries located here of the complete protection they must have.

Leading Guardsmen have repeatedly pointed out that the California State Guard is designed to afford maximum protection to strategic areas throughout the State.

All organization plans were made with this aim in mind.

Now is no time for political tinkering in a Military matter.

Let the Military experts handle the Military organization.

Our sole duty is to make an adequate appropriation for the effective operation of the State Guard. Senate Bill No. 29 hamstring the State Guard and establishes merely a night watchman organization.

The above expresses also the official stand of the veterans' organizations of California, particularly the American Legion and the Veterans of Foreign Wars.

FRANK C. RUSSELL
VINCENT THOMAS
EVERETT G. BURKHALTER
ERNEST C. CROWLEY
GODFREY A. ANDREAS
EDWARD M. GAFFNEY
JOHN EDWARD CAIN
WM. I. GUNLOCK
HENRY P. MEEHAN
EDWARD F. O'DAY
GEORGE D. COLLINS, JR.

JACK B. TENNEY
LLOYD W. LOWREY
S. L. HEISINGER
JACK MASSION
HUGH P. DONNELLY
PAUL A. RICHIE
CECIL R. KING
VERNON KILPATRICK
RALPH C. DILLS
LOERNE D. MIDDOUGH

I voted for Senate Bill No. 29 because we were called to a special session of the Legislature for the sole purpose of enacting a State Guard Bill. Since it was the only State Guard Bill presented to us for consideration I had to vote for it.

JOHN B. PELLETIER

Speaker Presiding

At 5.12 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 74

Resolved, That the following named person be stricken from the list of Assembly attaches and his name be stricken from the pay roll of the Assembly, to take effect upon the completion of work on January 18, 1942:

Carroll Dudley, Assistant Clerk	Per day \$7 00
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Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 74, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Desmond, Diekey, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Houser, Frederick F., Howser, F. N., Johnson, Kellens, Kepple, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

By Mr. Lyon:

House Resolution No. 75

Resolved, That each and every officer, attache and employee of this Assembly is hereby stricken from the pay roll upon completion of work at the end of the day of January 19, 1942, save and except those who will be certified to the Controller upon a weekly pay roll pursuant to House Resolution No. 65 adopted by the Assembly on January 16, 1942.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 75, at this time, without reference to committee. Resolution read.

By Mr. Lyon:

House Resolution No. 76

Resolved, That Arthur A. Ohnimus, Chief Clerk, be and he is hereby authorized and empowered to receipt for any warrants that may be due members, officers, or other attaches of the Assembly, during the recess of this session, or that may be drawn upon the Contingent Fund of the Assembly.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 76, at this time, without reference to committee. Resolution read and adopted.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Dills, ordered printed in the Journal:

SAN FRANCISCO, CALIFORNIA, January 19, 1942

Ralph C. Dills

State Assembly, State Capitol, Sacramento, California

American Legion has indorsed State Guard and its organization by Resolution 56 adopted 1941 Sacramento convention. This approved present tables organization and implies that State Guard be adequately financed. Request your cooperation with our Legislative Chairman Jack Tenney in helping accomplish these patriotic and essential measures.

ROBERT F. GARNER, JR., Department Commander
JAMES FISK, Department Adjutant

MOTION TO PRINT SPEAKER'S REMARKS IN JOURNAL

Mr. Desmond moved that the following remarks by the Speaker relative to Senate Bill No. 29 be reduced to writing, and ordered printed in the Journal:

Remarks by the Speaker of the Assembly

MR. GARLAND: I understand Mr. Johnson expects to move to lift the call immediately. Inasmuch as this will be the last roll call appertaining to legislation on the Guard Bill, I should like to have permission at this time to make a brief statement.

You realize as I do that I would be out of order to make a statement after the call is lifted because we would be in the midst of a roll call. May I have permission?

MR. DESMOND: There is no objection, Mr. Garland.

MR. GARLAND: In taking a few minutes of your time to reflect back over what has happened concerning this Guard legislation, I want to start from the time of the incident at Pearl Harbor. It happened on that day that I was up near Marysville with Congressman Leland Ford duck shooting. We were informed while in the blinds as to what was going on. We went immediately to the club house to listen to further developments, and after listening to the news broadcasts, and in order that there might be no misapprehension on the part of the Governor as far as my stand was concerned in the Legislature affecting National defense, I sent Governor Olson a wire and asked if he did not think it feasible to call a special session to deal with legislation peculiar to the State Guard Act and many other problems which might arise.

Subsequent to that time, but not by reason of the fact that I sent a wire to him, he called a session of the Legislature for the purposes set forth in the Proclamation.

Upon coming to Sacramento, the members of the Legislature were immediately thrown into considerable confusion, in my opinion, by reason of the fact that in a 24-hour period the Chief Executive of the State requested a sum of money ranging from a high of \$37,000,000 plus down to a low of \$17,000,000 plus—all within the 24-hour period.

Now, I am sure the other members of the Legislature have had no greater opportunity to study the problem than I have had and, naturally, when it was indicated by that change of figure in that short period of time that the Chief Executive did not understand the problem, confusion surrounded the entire situation for which reason I think the Legislature very wisely agreed to recess and make a study of the problem.

During that recess, as you now well know, 22 members of the Legislature, 11 from each house, made as thorough a study of the problem as could be made in the time in which they had to make the study. Subcommittees were set up to take different phases of the problem; one dealt with the possibility of making subventions to the cities and counties or political subdivisions with the idea in mind, after listening to evidence, that the best way to reach a solution of that problem was by subventions and that an overwhelming number of outstanding citizens testifying before the subcommittee recommended that solution to the problem. The committee made that recommendation and sent a committee consisting of four members of the Committee of Twenty-two to the Governor requesting that he issue a new Proclamation after they had ascertained that such legislation would not come within the scope of the first Proclamation, in order that they might find a solution to the problem through those means. The Governor did not see fit to do that.

Another subcommittee dealt with the problem of fire suppression and a program outlined by the State Division of Forestry in connection with the State Council of Defense. Mr. Desmond and Mr. Clarke from this House brought back recommendations to take effect and submitted them to the main committee and they made certain recommendations in that regard.

Another committee was appointed consisting of Senator Kenny and myself to go to Washington to ascertain, if possible, what legislation had been passed or might be passed which might provide a Federal solution to this State Guard problem. We brought back information as set forth in the report printed here a few days ago. We have had further information in that regard as has been submitted from time to time, the last contained in a wire from Congressman Lea which I read here this afternoon.

The Assembly and Senate then, pursuant to their agreement in the concurrent resolution met again on the date set forth in that resolution, to deal further with this problem. Their recommendations were embodied in the bill introduced in the form of Senate Bill No. 29, which bill was introduced and passed in the Senate but not in anywise in the form in which it was introduced, and I am of the opinion—and I want you to understand this statement very distinctly and clearly—that the action taken by the Senate on this bill was, in my opinion, considerably influenced by the hysteria which has prevailed since the problem was presented, otherwise, I am sure the recommendations made by the Joint Committee of Twenty-two would have had considerably more weight than that evidenced by the action taken. Be that as it may, the bill came back to the Assembly and we have had it under consideration for, lo! these many days.

I want to refresh your memory now concerning statements made in this Chamber when we were in extraordinary session, statements to the effect that this was no time to deal in politics and that we should put aside political differences and deal with this problem in such a manner as to represent to our best knowledge and belief the absolute majority opinion in our respective districts. It is my opinion that this feeling prevailed during the early part of this session, but I do not feel that this feeling has prevailed throughout the session. I do not wish to speak disparagingly of any member of this House, nor question their motives, but it must now be apparent to each and every one of us that if this same spirit and desire to find a solution prevailed and was carried to an end, we would have a solution to this problem. After all, legislation is only a matter of compromise. We have tried to reach a compromise and the majority group has offered to concede certain points in order that a solution might be found. It is now apparent that unless we do adhere strictly and immediately to the admonitions of the Governor at the time we were convened in special session, that there will be no legislation on the Guard Bill. I am convinced this will be the last roll call when this call is lifted. I think it is most unfortunate indeed for the State of California that mistrust and perhaps distrust has existed between the executive and legislative branches of this State and it seems to me that if there was ever a time when we who are charged with the responsibility of passing laws and those who are charged with the responsibility of administering the laws we have passed should rise above petty party differences that this is that time. And I believe that we will do just that and a solution will be found to this problem wisely and judiciously. If we fail to do that, it is my opinion that if petty partisan differences have not been laid aside by those in the executive branch of

Government, with a sufficient amount of influence they could wield that influence in such a way as to find a solution to this problem and if any ill effects are experienced from the result of lack of legislation, I am sure the blame will be placed where it justly belongs—on those who failed to act as they could and should have. I trust that each and every one of us on this last roll call will think only in terms of what is best for the State of California and, in saying that, I realize that not one of us has the proper or complete answer to this problem but believing in the principles of Democracy and its fundamental principles of majority rule—after we have spent the time we have, I am certain the solution offered in the bill before us is the best solution that can be found.

MOTION TO PRINT IN JOURNAL

Mr. Johnson moved that the following letter be ordered printed in the Journal in answer to a letter from the Director of Finance appearing in the Journal of January 18, 1942, on pages 331-332.

Motion carried.

JOINT LEGISLATIVE BUDGET COMMITTEE
SACRAMENTO, CALIFORNIA, January 19, 1942

*To the Honorable Members of the Assembly
of the State of California*

SUBJECT: Letter from the Director of Finance to Honorable W. P. Rich, in re Communication from the Legislative Auditor, printed in the Senate Journal January 17, 1942.

This reply is made solely because of the request of the Assembly of the State of California, made January 18, 1942. No reply to Mr. Killion's letter is essential, for the letter addressed to Senator Rich above referred to and the documents attached thereto, together with reference to the documents presented by the Director of Finance and his testimony before the Legislative Budget Committee, amply present the facts which are in no way changed by his letter. This letter has further been answered by members of both houses in open discussion.

The conclusions contained in the letter addressed to Senator Rich are based entirely on written documents issued under the authority of the Director of Finance, documents which were presented personally by the Director of Finance before the Budget Committee, further explained by the Director of Finance and his staff, and on information secured from civil service employees of the State.

Mr. Killion's statement that my conclusions are not predicated upon a clear understanding of the problem facing California during this time of great crisis is not worthy of answer, for it is quite clear from the request made by the Director of Finance for emergency appropriations listed in his schedule as necessary to cover "activities of immediate necessity" (copy herewith attached and marked Schedule "A") further supported by his issuance of promises to these departments and his withdrawal of some of them within less than two weeks' time demonstrates conclusively that his understanding is more than confused and is such that he is unable to make decisions as to what is of primary importance in this emergency and to abide by the same.

This confused thinking is further evidenced in the third and fourth paragraphs of his letter to Senator Rich in which he states:

"The list presented was a list of allocations which had been promised or made up to the date when it was presented to you and not a 'purported' list. The actual allocation documents had been drawn and signed by me before the list was prepared."

In the next paragraph, the Director of Finance however indicates he had a mental reservation for he states further:

"However, in his memorandum the Legislative Auditor stated that Mr. Links of this department had informed him that some of the promises made by the Department of Finance from the Emergency Fund had been converted into Executive orders, and that others would be covered by Executive orders when it was determined that the departments could not effect sufficient savings to make the drawing of the orders unnecessary. The Legislative Auditor stated he 'presumed' that this was reliable information. No presumption is necessary, because the information given was authentic. However, the emergency allotments shown on the list presented to the committee were those based upon the procuring of an Emergency Fund adequate to meet not only the known necessities, but the contingent necessities should the present war continue until January 1, 1943." (Copy herewith attached, marked Schedule B.)

Please note that in the title to this list he refers to the Emergency Fund augmented by Chapter 2, Statutes of 1941, First Extraordinary Session, which means

that he was then considering not a future allotment to the Emergency Fund but the augmented amount which he was free to allocate in the sum of \$500,000.

Furthermore, at the bottom of this schedule, under recapitulation, he indicated that he was allocating from the stop-gap emergency and so labels it. Undoubtedly the Director of Finance did have this "stop-gap" appropriation in mind when he said so in writing and when he already had drawn the actual allocation documents, and furthermore signed them, before this list was prepared as admitted in his letter. It is possible that the Director of Finance approved these Emergency Fund allotments with mental reservation, as he indicates in the statement just quoted—mental reservation which he now states was based on getting enough money in the Emergency Fund not only to meet known necessities but *contingent necessities*. It is very difficult to determine the extent of such mental reservation, but we might presume that the sole purpose of canceling allocations from the Emergency Fund which he once classified as of immediate necessity was to retain in his own control money, which it was presumed from his own statement in documents, issued by his department, had been allocated to several agencies of the State. The director fails to state what he considers of more importance than the matters covered in the list he prepared. He apparently has changed his mind as to the relative importance of requests for Emergency Fund matters, and is now keeping this valuable information from the Legislature for in the case of the Department of Agriculture the testimony of the Department of Finance was that spray residue enforcement was requested by the United States Army and it was imperative that it be done at once.

If these emergency allotments are required for the period January 1, 1942, to June 30, 1942, as the director claims, then the ordinary procedure of making promises of money from the Emergency Fund to be made effective if and when other funds are exhausted, should not have been followed for if money was available from other sources or savings, it should have been used and the Legislature so informed. This matter of meeting needs of furthering war efforts out of existing appropriations is the subject of Senate Concurrent Resolution No. 6, Chapter 4, First Extraordinary Session, 1941. The fact is other moneys were available in most instances, and actually these departments could operate for many months on funds appropriated. This is certainly true of the Department of Finance itself which was promised \$11,400 (Fifth Item on Schedule B) for it had a balance of \$956,753.76 in support on January 6, 1942, according to the Controller's records.

It is rather strange that only one of these emergency allocations listed by the Director of Finance has been converted into an actual transfer filed in the Controller's Office. This is Executive Order No. 567, dated January 14, 1942. It has been filed with the Controller, and it transfers to the Revolving Fund of the Division of Architecture \$5,000 to carry on architectural surveys. This probably is an illegal transfer and is being questioned by the Controller. An examination of funds of this division shows that on this date (January 14, 1942) they still had in the Revolving Fund, Division of Architecture, a balance of \$4,558,351.14. We presume none of this could have been spent for the purpose of surveys.

However, there is serious question as to whether these surveys could not have been carried on by the regular staff of the division since it is found that they have little work to do in comparison with a normal building program and that very soon they will have to lay off some of their staff because of lack of work. On January 14, 1942, the Division of Architecture had in its budget for support \$158,793.91.

Not a single other allotment on this list of allotments from the Emergency Fund, Schedule "B", except \$419,000 to the State Guard, which is Executive Order No. 568, had been filed with the Controller up to January 15, 1942. It seems strange that the Director of Finance states that the actual allocation documents had been drawn and signed by him according to his own statement before the list above referred to was prepared and yet none of them, other than the two mentioned, were received by the Controller's office and these were both dated subsequent to the date of the list issued by the Director of Finance.

In my communication to Senator Rich, I recalled that in the discussions held with Mr. Killion before the Budget Committee that this schedule was presented *purporting* to be a list of allocations promised or made from the Emergency Fund to take care of immediate and pressing needs for the several departments concerned. I used this word "*purporting*" because of the very technical meaning that it has in relation to such public presentations, particularly when same are supported by public documents; that is, documents from a public official presented in a public hearing. A much stronger word might have been used, and amply supported by the circumstances which have followed.

It is my understanding that it is a normal procedure, both in public affairs and in private business, that when a promise is made to advance funds for a particular purpose that it is presumed that these are dependable and reliable promises upon which action can be taken and they are particularly more binding when they involve the action of a third innocent party. In this case the Legislature of the State of California was the third innocent party and passed Assembly Bill No. 44, appro-

providing \$642,319 to the Emergency Fund on the assumption that this amount would provide \$185,000 which could be allocated to the State Council of Defense if the Governor desired and the remainder would bring the General Emergency Fund, Item 216, Chapter 600, Statutes 1941, up to \$1,000,000 after allocations, which Mr. Killion now says were definitely promised, were allowed. Furthermore, Mr. Killion was informed of this by documents presented to him personally by a member of the staff of the Legislative Auditor. These documents were in his possession when he canceled some of these emergency orders and when this bill was in the Governor's possession for approval. It is presumed that the Director of Finance is cognizant of all appropriation bills that are approved by the Legislature and that he knows the circumstances concerning the same. Knowing these circumstances it seems reasonable that he should have informed the third innocent party—in this case the California State Legislature so that they might have acted accordingly.

The Director of Finance in referring to the allocation he has made in the sum of \$138,301 to the Division of Forestry, states that neither he, nor anyone authorized by him, has informed the Division of Forestry that the allocation of the sum would not be made available. While this bit of information may be interesting it in no way answers the statement in my letter that this division has been told by the Department of Finance that the \$138,301 will have to be repaid out of its appropriation then before the Legislature and that the Emergency Fund will be restored to this extent. If it is not the intention of the Director of Finance to follow this procedure why has he not issued an executive order and had it filed with the Controller?

The Legislature in making its appropriation to the Emergency Fund restoring it to a full \$1,000,000, unincumbered by any promise, did this believing that the Director of Finance would actually make an outright transfer from the then existing Emergency Fund according to his promise.

In the case of the Department of Agriculture, mentioned in the sixth paragraph of the Director of Finance's letter, he specifically admits my statement and this is conclusive proof of the intent of the Director of Finance to get as much money as possible into the Emergency Fund and to subsequently be the judge of the relative importance of contingencies and to whom any Emergency Fund will be allotted, notwithstanding the implied intent of the Legislature. The additional statement of the Director of Finance in the last sentence in this paragraph "furthermore no other State agency has been informed directly or indirectly that their allotments promised would not be available as indicated" has absolutely no meaning for the fact that they have not been informed does not at all guarantee that they ever will get any of this money which is demonstrated in the case of the Department of Agriculture. They can make no plans based on such promise until they actually have a definite Budget approval—or better still for their peace of mind, an actual Executive Order filed with the State Controller. Under the present circumstances, they are subject to the changing mind of the Director of Finance, as admitted in the first part of his letter.

In the seventh paragraph of his letter, the director states that it has become necessary for him to increase the allotment previously promised the Department of Institutions. If such is the case why has he not told the Legislative Budget Committee and presented the case? We have no evidence that indicates that the funds of any of the State institutions are in such a condition that they can not for the next six months, or even a year, carry on all of their necessary activities with the funds regularly appropriated by the Legislature and the supplemental amounts believed to be available to them, as promised by the Director of Finance, as set up in Schedule "B" attached. In fact a cursory review of certain of the institutions will demonstrate conclusively that if economies are instituted in accordance with the direction of the Legislature they will have a substantial saving at the end of the biennium, with possibly an exception in the matter of food.

It is reasonable that matters of State defense will change so that deviations from allotments made originally may from time to time be necessary, but it is not reasonable to believe that these changes have occurred between January 6, 1942, and January 14, 1942, the period in which the Director of Finance has so drastically changed his mind in regard to the matter of "activities of immediate necessity" and from his estimate of war emergency requirements, classified according to immediate and contingent need, as indicated on Schedule "A". The Legislature is still in session and if these changes have occurred it is believed that the Director of Finance should have made these facts known to the Legislature and that they should act on them, rather than to place this grave responsibility on the Director of Finance. There is no evidence in the communication of the director as to just what these changes are. There is ample evidence coming to light each day that the emergency is far less than has been represented and that the Federal Government is assuming a larger and larger proportion of it.

In reference to the eighth paragraph of the letter of the Director of Finance, we find here additional confusion in his understanding of appropriations made and

a failure apparently to follow the action of the Legislature. My recommendation made to the Budget Committee was that no additional appropriations be approved for the increased activities of the Personnel Board, the Department of Agriculture, the California Maritime Academy, the Department of Industrial Relations, the Department of Public Health, other than Vital Statistics, the Department of Social Welfare, the Division of Water Resources and the Division of Architecture, for the reason that the Director of Finance, according to Schedule "B" herewith attached, and according to his own testimony, had already made allotments out of the Emergency Fund to these divisions and also to many others, and that it was believed that these allocations, together with possible savings and other possible available funds from the unincumbered Emergency Fund would be sufficient to carry them until the Legislature would next be in session. I furthermore stated that specific recommendations concerning these departments of the State and others would have been made if the Director of Finance had not taken hasty action and taken the matter out of the hands of the Legislature while they were still in session. I further remarked that since this is out of the control of the Legislature I am making no recommendation for further appropriations except to the Bureau of Criminal Identification and Investigation, Bureau of Paroles, the Division of Forestry, and the Bureau of Vital Statistics. I did not include the Council of Defense, as the Director of Finance states.

In relation to the Council of Defense, I did state that since the Director of Finance had allocated \$100,000 for a four months' period, as shown on Schedule "B", that I believed if we put the remaining amount he had requested \$185,780 in the Emergency Fund then the Governor could allot so much thereof as was necessary for this purpose. However, in view of the information before the Budget Committee, it was doubtful if they could justify their request. The subsequent resignation of the Executive Officer of the Council of Defense and the summary dismissal of the Fire Coordinator of the Council of Defense, indicates clearly that this body is not yet in a position to lay out a definite program and a reliable budget.

Recommendations for appropriations were made specifically in the cases of the Bureau of Criminal Identification and Investigation, the Bureau of Paroles, Division of Forestry, and the Bureau of Vital Statistics, in sums necessary to bring the sums allocated by the Director of Finance up to the amount recommended by him. For example, the Director of Finance recommended for the Division of Criminal Identification and Investigation the sum of \$76,690, Schedule "A". On Schedule "B" he informed the Budget Committee that he had already allocated this division \$37,380. However, on page 32 of the Director of Finance's document further explaining this list under "activities of immediate necessity" the director says that he has given the finger print identification function \$37,380 and the teletype for a 24 hour service, \$7,200, making a total of \$44,580. Subtracting this amount from the \$76,690, we find that \$32,110 is required to provide the amount of money that the Director of Finance said was needed. This amount, you will find, was appropriated by Assembly Bill No. 43, which is approved by both houses, and is before the Governor.

In our letter to Senator Rich we recommended specifically that this item be allocated from the Emergency Fund, Chapter 600, Statutes of 1941, augmented by Chapter 2 of the Statutes of 1941, First Extraordinary Session, for the simple reason that the Director of Finance himself said that amount had been allocated according to Schedule "B" and we merely wish to recommend to the Legislature that they make his word good, particularly where these divisions in our opinion have an immediate and demonstrated necessity.

In the case of the Bureau of Vital Statistics the figure in our letter as recommended is the sum of \$69,280. This is an error and it should have been \$24,943, which the Director of Finance could have readily understood if he had followed across the line in his schedule, for in copying from his schedule a member of our temporary staff copied the figure immediately below the proper one, as you can see in referring to Schedule "B". However, if you will refer to Assembly Bill No. 74, in your file, you will find that the correct amount is stated therein.

The Director of Finance is again in error in the ninth paragraph of his letter for your Legislative Auditor has not championed any agency of the State Government but has reported the facts as he has found them and has followed the directions of the Budget Committee and the Legislature, and has only made recommendations concerning specific appropriations when requested to do so.

The matter of the Department of Agriculture was fully presented to us by the department after we learned that the promise of the Director of Finance for an allocation of \$34,055, as set up on Schedule "B", had been withdrawn and we recommended that this amount be appropriated from the Emergency Fund as the Director of Finance had promised. However, the bill originally introduced, Assembly Bill No. 68, was in the sum of \$59,870, or the total amount indicated by the Director of Finance under "Activities of Immediate Necessity" on Schedule "A". This included \$25,815 more than the Director of Finance recommended on Schedule "B". We therefore told the Department of Agriculture that we could not approve this request

for the reason that the Budget Committee had only considered the items of Plant Quarantine Service and Spray Residue Enforcement, and that the other three items, Plant Pathology, Market News Service and Agricultural Statistics had not been considered by the committee and that we could not include them unless they were brought before the committee.

Neither the Budget Committee nor your Legislative Auditor has ever said that \$34,055 was enough to operate the Department of Agriculture for plant quarantine, and spray residue for the entire year of 1942. What was said was that since the Director of Finance had already allocated \$34,055 to the department, we would not go into the matter further, but would recommend this sum to carry on those services which they considered most essential. Your Legislative Auditor at no time has recommended appropriations which will only carry an activity to June 30, 1942—that is an unfounded assumption of the Director of Finance.

As respects paragraph 10 of the Director of Finance's letter, regarding the State Fire Marshal and the allocation of General Fund moneys to this special service, we did specifically recommend that no money be allocated from the General Fund to the State Fire Marshal. We wish to reiterate that recommendation in light of additional information that has become available. This is for the reason that his program based on a request for \$5,000,000 would materially interfere with the Council of Defense Emergency Fire Program, to be provided through the Division of Forestry, made possible through the passage of Assembly Bill No. 36, appropriating \$4,022,700 to this division, largely for this purpose. The Legislature considered this matter of a State-wide fire protection plan fully so that it is no longer a hypothetical question, but is expressed in conclusive action in Assembly Bill No. 36.

We still maintain that no appropriations should be made to the Fire Marshal "for the reason that there is a balance in his Special Fund." Eminent counsel, undoubtedly of equal ability to that available to the Director of Finance, maintains that the Fire Marshal may carry on all of those functions provided by law but that no allocation from the Emergency Fund or appropriation by the Legislature under the Governor's call will make it possible for the Fire Marshal to carry on any functions which are new and do not now exist. If the Director of Finance's contention is correct then under his authorization and budgetary control the Fire Marshal during the past two years has carried on such functions and furthermore the Director of Finance is recommending expenditures both in Schedule "A" and Schedule "B," attached hereto, for the Department of Institutions complying with recommendation of the State Fire Marshal and following, from reports made by him concerning the fire hazards at institutions, a function which certainly has nothing to do with the regulation of the cleaning and dyeing industry. If these are illegal expenditures this should be brought to the notice of the Legislature, and the Controller and proper restitution should be made, and those responsible for authorizing them should be called to account. Certainly until this matter is decided the Director of Finance should have waited for the opinion from the Attorney General, which he states in his letter he has requested, before making an allocation from the Emergency Fund. However, despite the grave doubt the Director of Finance states he has, in the past he has approved, according to his definition, allocations from this Special Fund for general purposes. Clearly he did not follow the advice of his legal counsel. It, therefore, seems unreasonable that he should continue to employ three attorneys in his office when at the same time he has access to the full services of the Attorney General.

We would like to call your attention to the fact that the Director of Finance has failed to answer many important matters in our communication and that many of his answers are only half answers. He has only answered those he selected. Furthermore, we would like to suggest to your body that the cooperation of the Director of Finance with your Legislative Auditor will result in a far better understanding on the part of the Legislature of just how the funds which you appropriate are being managed, controlled and expended. We have asked for this cooperation and we again ask for it in all sincerity. Both offices have an important function to perform. The intent of the Legislature in making appropriations should become effective in fact as well as in theory and no diversion of these funds should be allowed through administrative procedure other than of those funds which the Legislature places under unrestricted administrative control. Moreover, the constitutional officers, the departments and agencies of the Government of California also have a responsibility under the law and they should be allowed to carry out this responsibility once appropriations have been made. Furthermore, they should be allowed to give to your Legislative Auditor information on all appropriations and the expenditure thereof without the interference of the Director of Finance through the very large power he possesses in the controlling of expenditures.

This is a time of great emergency, when all officers and employees of the State should work for a single purpose—the welfare of the State of California, and your Legislative Auditor pledges himself to that purpose, mindful, however, that the

emergency has not changed the relative responsibilities of any division or branch of State Government.

Respectfully submitted.

ROLLAND A VANDEGRIFT, Legislative Auditor

Schedule "A"

Summary of Estimated War Emergency Requirements of State Governmental Agencies for the Calendar Year 1942, Classified According to Immediate and Contingent Need

Agency	Activities of Immediate Necessity	Activities of Contingent Necessity	Total
Department of Agriculture.....	\$59,870	\$54,405	\$114,275
Department of Education:			
Maritime Academy	13,790	-----	13,790
Department of Industrial Relations:			
Division of Industrial Accidents and Safety.....	202,380	20,580	222,960
Division of Immigration and Housing.....	12,260	-----	12,260
Division of Fire Safety.....	76,380	23,160	99,540
Division of Industrial Welfare.....	11,440	-----	11,440
Division of Labor Statistics and Law En- forcement	2,720	-----	2,720
Totals, Industrial Relations	\$305,180	\$43,740	\$348,920
Department of Institutions.....	46,890	-----	46,890
Department of Military and Veterans' Affairs:			
Veterans' Home	4,849	-----	4,849
Department of Natural Resources:			
Division of Forestry.....	4,976,944	-----	4,976,944
Division of Mines	-----	160,360	160,360
Totals, Natural Resources.....	\$4,976,944	\$160,360	\$5,137,304
Department of Penology:			
Division of Criminal Identification and In- vestigation	76,690	-----	76,690
Bureau of Parole.....	32,136	-----	32,136
California State Prison at Chino.....	5,300	-----	5,300
California State Prison at Folsom.....	1,842	-----	1,842
California State Prison at San Quentin.....	8,929	-----	8,929
California Institution for Women.....	4,350	-----	4,350
Totals, Penology	\$129,247	-----	\$129,247
Department of Public Health.....	140,293	99,415	239,708
Department of Public Works:			
Division of Architecture.....	5,000	250,000	255,000
Division of Water Resources.....	2,000	100,000	102,000
Totals, Public Works.....	\$7,000	\$350,000	\$357,000
Department of Social Welfare.....	24,025	51,145	75,170
State Council of Defense.....	285,780	-----	285,780
State Personnel Board.....	30,050	7,860	37,910
Commodity Price Increases*.....	2,500,000	-----	2,500,000
Totals, All Agencies.....	\$8,523,918	\$766,925	\$9,290,843

* For balance of 1941-1943 biennium.

Schedule "B"

Emergency Fund

Provided by Chapter 600, Statutes of 1941 and Augmented by Chapter 2, Statutes of 1941, First Extraordinary Session

State Council of Defense (approximately four months)-----	\$100,000
Personnel Board-----	15,025
Department of Agriculture-----	34,055
California Maritime Academy-----	6,130
Department of Finance-----	11,400
Department of Industrial Relations:	
Industrial Accidents and Safety-----	116,130
Labor Statistics and Law Enforcement-----	1,360
Industrial Welfare-----	7,220
Immigration and Housing-----	7,310
Fire Safety-----	40,820
Department of Institutions:	
Agnews State Hospital-----	6,530
Camarillo State Hospital-----	1,080
Mendocino State Hospital-----	4,988
Napa State Hospital-----	3,135
Norwalk State Hospital-----	5,836
Patton State Hospital-----	1,503
Pacific Colony-----	5,688
Sonoma State Home-----	5,783
Ventura School for Girls-----	1,923
Preston School of Industry-----	3,728
Fred C. Nelles School for Boys-----	4,711
Industrial Home for Adult Blind-----	725
Veterans' Home-----	3,949
Division of Forestry (To January 31, 1942)-----	138,301
Penology:	
Criminal Identification and Investigation-----	37,380
Board of Prison Directors—Bureau of Parole-----	19,596
Folsom State Prison-----	1,842
San Quentin State Prison-----	8,929
California Institution for Men-----	5,300
California Institution for Women-----	4,350
Department of Public Health:	
Vital Statistics-----	24,943
Other than Vital Statistics-----	69,280
Division of Architecture-----	5,000
Division of Water Resources-----	2,000
Department of Social Welfare-----	15,099
Total, War Emergency Allotments-----	\$721,049
California State Guard Allotments:	
State Guard (To January 12, 1942)-----	419,000
Total, Allotments for War Emergencies-----	\$1,140,049
Allotments out of the Regular Emergency Fund-----	236,270
Total Allotments-----	\$1,376,319

Recapitulation:

	Regular Emergency	Stop-Gap Emergency	State Guard Stop-Gap Emergencies	Total
Total Emergency Fund-----	\$1,000,000	\$500,000	\$500,000	\$2,000,000
Less: Allotments-----	236,270	721,049	419,000	1,376,319
Balance Available ---	\$763,730	—\$221,049	\$81,000	\$623,681

RECESS

At 5.20 p.m., on motion of Mr. Lyon, the Assembly recessed until 5.45 p.m.

REASSEMBLED

At 5.45 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused adoption to:

Assembly Concurrent Resolution No. 35

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

ABSENCE OF QUORUM SUGGESTED

Mr. Johnson suggested the absence of a quorum.

ADJOURNMENT

At 5.48 p.m., on motion of Mr. Wollenberg, seconded by Mr. Doyle, the Speaker declared the Assembly adjourned until 11 a.m., Tuesday, January 20, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY
THIRTY-THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, January 20, 1942

The Assembly met at 11 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Potter, Poulson, Richie, Robertson, Russell, Stream, Tenney, Thomas, Thorp, Voigt, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—48.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Russell.

Call of the Assembly

Mr. Maloney moved a call of the Assembly.

Motion carried. Time, 11.25 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 56

Assembly Bill No. 68

Assembly Bill No. 78

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Joint Resolution No. 22

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 28

Assembly Concurrent Resolution No. 29

Assembly Concurrent Resolution No. 33

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

Above resolutions ordered enrolled.

MOTION TO DISPENSE WITH FURTHER PROCEEDINGS UNDER
CALL OF THE ASSEMBLY

Mr. Hawkins moved that further proceedings under the call of the Assembly be dispensed with.

Motion lost.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 52

And reports the same correctly re-re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 56—An act making an appropriation for the support of the State Controller, to take effect immediately;

Assembly Bill No. 68—An act to add Section 1.1 to an act entitled "An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to be expended as provided herein, declaring the urgency of this act, to take effect immediately" (Assembly Bill No. 44, First Extraordinary Session, Fifty-fourth Legislature), relating to money for the Department of Agriculture, declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 78—An act making an appropriation for the expenses of the Assembly, this act to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of January, 1942, at 11.30 a.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Concurrent Resolution No. 28**—Relative to rolls of honor of State employees in the United States armed forces;

Assembly Concurrent Resolution No. 29—Relative to the claiming of property taxation exemptions by veterans pursuant to Revenue and Taxation Code Section 253;

Assembly Concurrent Resolution No. 33—Relative to the making of additional funds available for the work of the Joint Legislative Budget Committee; And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of January, 1942, at 11.30 a.m.

JOHN B. KNIGHT, Chairman

SENATE MESSAGES

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 36

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Section 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Referred to Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

THE ADJUTANT GENERAL'S OFFICE
SACRAMENTO, January 18, 1942

Mr. Arthur A. Ohnimus, Chief Clerk
Assembly Chamber, State Capitol, Sacramento, California

DEAR SIR: The Adjutant General has directed that I reply to your communication of January 15th wherein you inclose a copy of a communication from Doctor Harold M. Hogan offering the services of the California Association of Chiropodists. He further desires that you be advised that he has had interviews with Doctor Hogan's representatives and has expressed to them his appreciation of their offer and is prepared to take advantage of it when provisions for so doing have been made.

Very truly yours,

J. PIERCE, Lt. Col., A. G. D., C. S. G.
Executive Officer

MOTION TO EXPUNGE RECORD AND RESCIND ACTION

Mr. Lyon moved to expunge the record, and rescind the action whereby House Resolution No. 75 was adopted.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney,

Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Stream, Thomas, Thorp, Voigt, Waters, Weber, Welch, and Mr. Speaker—46.
NOES—None.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 76
FROM COMMITTEE**

Mr. Lowrey gave notice that on the second legislative day, he would move to withdraw Assembly Bill No. 76 from the Committee on Ways and Means, and have it placed upon the file.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 75
FROM COMMITTEE**

Mr. Hawkins gave notice that on the second legislative day, he would move to withdraw Assembly Bill No. 75 from the Committee on Ways and Means, and have it placed upon the file.

MOTION TO EMPOWER SPEAKER TO NOTIFY ABSENT MEMBERS

Mr. Maloney moved that the Speaker be empowered to notify the absentee Members of the Assembly to return to Sacramento.

Mr. Bashore seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Bashore, Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Stream, Tenney, Thorp, Voigt, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—42.

NOES—None.

Hon. C. Don Field, Presiding

At 1.15 p.m., Hon. C. Don Field, Member of the Assembly from the Forty-third Assembly District, presiding.

MOTION TO FURNISH ABSENTEE MEMBERS' NAMES TO PRESS

Mr. Bashore moved that the Sergeant-at-Arms be instructed to furnish authorized members of the press with a list of the absentee members of the Assembly.

Mr. Evans seconded the motion.

Hon. Gordon H. Garland, Speaker, Presiding

At 1.20 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Motion to Amend Motion

Mr. Field moved, as an amendment, to the above motion, that Mr. Desmond's name be deleted from the above named list.

Motion to Refer to Rules Committee

Mr. Donnelly moved that both motions be referred to the Committee on Rules.

Motion carried.

SENATE MESSAGES

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Joint Resolution No. 20

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 19, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

Assembly Concurrent Resolution No. 30

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate

By JOHN F. LEA, Assistant Secretary

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged, blind, and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Joint Resolution No. 20?

Amendment No. 1

On page 1 of the printed measure, as amended, strike out line 7 after the word "Act" and strike out lines 8 to 11, inclusive; and in line 12, strike out "provided", and insert "to provide".

Amendment No. 2

On page 1, line 20, of the printed measure, as amended, strike out the comma, and insert a semicolon and "and".

Amendment No. 3

On page 1, line 21, of the printed measure, as amended, strike out "and depend-"; and on page 2, strike out lines 1 to 6, inclusive, and insert

"WHEREAS, Some small income should be permitted beneficiaries under the categorical measures in said Social Security Act not only to stimulate the beneficiary concerned, but to aid in maintaining such person's self-respect and to permit".

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Joint Resolution No. 20 by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Waters, Welch, Wollenberg, and Mr. Speaker—51.

NOES—None.

Above resolution ordered enrolled.

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the proclamation calling a possible Special Session.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 30?

Amendment No. 1

On page 1, line 26, of the printed measure, strike out "second", and insert "third".

The roll was called, and the Assembly concurred in the Senate amendment to Assembly Concurrent Resolution No. 30 by the following vote:

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kilpatrick, King, Lyon, Maloney, Massion, Meehan, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Russell, Sawallisch, Sheridan, Stream, Tenney, Thorp, Waters, Welch, Wollenberg, and Mr. Speaker—46.

NOES—None.

Above resolution ordered enrolled.

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Concurrent Resolution No. 31—Relative to the consideration at a Special Session of the Legislature of subventions by the State to local governmental units.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dilworth, Doyle, Evans, Field, Gaffney, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Lyon, Maloney, McDough, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Sawallisch, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—41.

NOES—Bashore, Burkhalter, Cain, Collins, George D., Dills, Donnelly, Kilpatrick, King, Massion, Meehan, O'Day, Richie, Russell, and Thomas—14.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received, and on motion of Mrs. Daley, ordered printed in the Journal:

Under date of January 16, 1942, State Controller issued warrants G-57878 to G-58245 inc., in the total sum of \$7,744.05, same in payment of Adjutant General's Claim Schedule No. 121, drawn against appropriation Maintenance State Guard, Chapter 755, Statutes 1941, Ninety-third Fiscal Year.

List of personnel to whom warrants were issued attached.

CLARENCE H. SMITH

Deputy State Controller

Subscribed and sworn to before me this twentieth day of January, 1942.

[SEAL]

BERT FOSTER

Deputy State Controller

Pay Roll of The Adjutant General

Fund or Appropriation—Maintenance, State Guard

Chap. 755, 1941—Fiscal Year 93rd

Schedule #121 (Page 1)

Estab. Pos. #	Name	Occupation	Employed Fr To	Das.	Rate	Amount Earned
<i>Southern Area, Group 3</i>			December 1941			
<i>Headquarters, 8th Regiment CSG.</i>						
9A14S	Murney Mintzer	Lt. Colonel	12-31	20	16.98	339.60
"	Norman D. Mayne	Major	12-31	20	13.46	269.20
"	Ralph W. Wallace	Major	12-31	20	13.46	269.20
"	Victor Whitaker	Captain	12-31	20	10.54	210.80
"	John D. Wimmer	Captain	12-31	20	10.54	210.80
<i>Medical Detachment, 8th Regiment</i>						
9B14S	Frank E. Ronald	1st Sgt.	15-20	6	2.00	12.00
"	John D. Bresingham	St. Sgt.	15-20	6	2.00	12.00
"	Lee A. Brugger	Cpl.	15-18	4	2.00	8.00
"	Arthur S. Leitch	Corporal	15-20	6	2.00	12.00
"	Chester A. Way	Corporal	15-20	6	2.00	12.00
"	Robert G. Braithwait	Corporal	15-20	6	2.00	12.00
"	Lloyd N. Manning	Pvt.	15-20	6	2.00	12.00
"	Freeman A. Blount	Pvt.	15-20	6	2.00	12.00
"	Atlee H. Worsham	Pvt.	15-20	6	2.00	12.00
"	Albert N. Randall	Pvt.	15-20	6	2.00	12.00
"	Donald L. Randall	Pvt.	15-20	6	2.00	12.00
"	John A. Schneider	Pvt.	15-20	6	2.00	12.00
"	John F. Durbin	Pvt.	15-20	6	2.00	12.00
"	James L. Slack	Pvt.	15-20	6	2.00	12.00
"	Chester A. Hattebough	Pvt.	15-16	2	2.00	4.00
"	Robert G. Graham	Pvt.	15-20	6	2.00	12.00
"	Frank E. Ronald	1st Sgt.	21-31	11	2.00	22.00
"	John D. Bresingham	St. Sgt.	21-31	11	2.00	22.00
"	Arthur S. Leitch	Corporal	21-31	11	2.00	22.00
"	Robert G. Braithwait	Corporal	21-31	11	2.00	22.00
"	Lloyd N. Manning	Pvt.	21-31	11	2.00	22.00
"	Freeman A. Blount	Pvt.	21-31	11	2.00	22.00
"	John A. Schneider	Pvt.	28-31	4	2.00	8.00
Page total -----						1,619.60

Schedule #121 (Page 2)

Estab. Pos. #	Name	Occupation	Employed		Rate	Amount Earned
			Fr	To Das.		
	<i>Headquarters Co., 8th Reg.</i>		December			
	<i>Headquarters Detch.</i>		1941			
9B14S	August H. DeFord	Sgt.	15-20	6	2.00	12.00
"	Frank B. Harrison	Sgt.	15-20	6	2.00	12.00
"	Humphrey D. Knight	Corp.	15-20	6	2.00	12.00
"	Frederick F. Ingram	Pvt.	15-20	6	2.00	12.00
"	Charles Lyall	Pvt.	17-20	4	2.00	8.00
"	Frank Purkyl	Pvt.	18-20	3	2.00	6.00
"	Harry G. Webber	Pvt.	15-20	6	2.00	12.00
"	Jack W. Wilton	Pvt.	18-20	3	2.00	6.00
"	Francis C. Wisdom	Pvt.	17	1	2.00	2.00
	<i>Supply and Transport. Sect.</i>					
"	Earl F. Brizendine	Sgt.	15-20	6	2.00	12.00
"	Charles W. Ehrhardt	Sgt.	15-20	6	2.00	12.00
"	Ray Irvine	Sgt.	15-20	6	2.00	12.00
"	Milton F. Leeper	Sgt.	15-20	6	2.00	12.00
"	Harold S. Mason	Sgt.	15-20	6	2.00	12.00
"	George M. Miller	Sgt.	15-20	6	2.00	12.00
"	Thomas W. Rabbett	Sgt.	15-20	6	2.00	12.00
"	Arthur S. Flood	Corp.	15-19	5	2.00	10.00
"	Jack S. Board	Pvt.	15-20	6	2.00	12.00
"	James T. Brower	Pvt.	15-20	6	2.00	12.00
"	Norval L. Cole	Pvt.	15-20	6	2.00	12.00
"	James S. Eastmen	Pvt.	15-20	6	2.00	12.00
"	Rudolph J. Escabedo	Pvt.	15-20	6	2.00	12.00
"	Edwin Junghans	Pvt.	15-20	6	2.00	12.00
"	Harry E. Johnson	Pvt.	15-20	6	2.00	12.00
"	Woodrow L. Mayer	Pvt.	17-18	2	2.00	4.00
"	Clarence W. O'Marra	Pvt.	15-20	6	2.00	12.00
"	Roland C. Peterson	Pvt.	15-20	6	2.00	12.00
"	John G. Ronis	Pvt.	15-20	6	2.00	12.00
Page total -----						1,919.60

Schedule #121 (Page 3)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
			December			
			1941			
<i>Supply & Transport Sect. (Cont'd)</i>						
9B14S	Charles Roberts	Pvt.	15-20	6	2.00	12.00
"	John Sosa	Pvt.	15-20	6	2.00	12.00
"	James L. Thornburg	Pvt.	15-16	2	2.00	4.00
<i>Engineering Section</i>						
9B14S	Lawrence Varney	Sgt.	15-20	6	2.00	12.00
"	Kurtz D. Heiny	Pvt.	15-18	4	2.00	8.00
"	Earnest Boyle	Pvt.	15-18	4	2.00	8.00
"	Howard Payne	Pvt.	15-18	4	2.00	8.00
"	J. P. Bartlett	Pvt.	15-18	4	2.00	8.00
<i>Headquarters Staff</i>						
"	Francis S. Reynolds	Sgt.	15-20	6	2.00	12.00
"	Elmer C. Chiles	Pvt.	15-20	6	2.00	12.00
"	Harold H. Cowley	Pvt.	15-20	6	2.00	12.00
"	Ivan Finn	Pvt.	15-20	6	2.00	12.00
"	Charles W. Hill	Pvt.	15-20	6	2.00	12.00
"	Jay G. Palmer	Pvt.	15-20	6	2.00	12.00
<i>Communications Section</i>						
"	Robert Bowen	Sgt.	15-20	6	2.00	12.00
"	Melvin J. Grigsby	Corp.	15-20	6	2.00	12.00
"	Kennard Dobler	Pvt.	15-18	4	2.00	8.00
"	Ray F. Hickmen	Pvt.	15-18	4	2.00	8.00
"	Robert W. Hooper	Pvt.	15-18	4	2.00	8.00
"	Greyson C. Lovell	Pvt.	15-18	4	2.00	8.00
"	Magnus A. Magnuson	Pvt.	15-18	4	2.00	8.00
"	Samuel Weiss	Pvt.	15-18	4	2.00	8.00
<i>Motor Patrol Section</i>						
"	Everett P. Biggs	Pvt.	17	1	2.00	2.00
"	Herbert W. Barton	Pvt.	16-17	3	2.00	4.00
"	Harry L. Vermeulen	Pvt.	17	1	2.00	2.00

Page total ----- 2,143.60

Schedule #121 (Page 4)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
	8th Regt. CSG 1st Bn Headquarters and Headquarters Detachment.		December 1941			
9A148	Henry West	Major	9-31	23	14.30	328.90
"	Douglas C. Joy	2nd Lieutenant	12-14	3	6.10	18.30
9B148	Duane J. Carnes	Sergeant	15-20	6	2.00	12.00
"	Wendell S. Phillips	Sergeant	15-20	6	2.00	12.00
"	Edward A. Banks	Pvt.	15-18	4	2.00	8.00
"	Joseph C. Eaton	Pvt.	15-20	6	2.00	12.00
"	Joseph Fink	Pvt.	15-20	6	2.00	12.00
"	Russell E. Souter	Pvt.	15-21	7	2.00	14.00
"	Edward Tyron	Pvt.	15-21	7	2.00	14.00
"	Leonard J. Wiggins	Pvt.	15-21	7	2.00	14.00
	Company "A", 8th Regt.					
9A148	Wilson W. Wied	Captain	12-31	20	10.54	210.80
"	D. S. Simmons	2nd Lieutenant	12-31	20	6.10	122.00
9B148	Robert E. Schmidt	1st Sergeant	15-31	17	2.00	34.00
"	George T. Clarke	Sergeant	16-21	6	2.00	12.00
"	Dwight C. Coleman	Sergeant	15-21	7	2.00	14.00
"	Robert D. Collins	Sergeant	15-18	4	2.00	8.00
"	Lynn E. Dean	Sergeant	15-21	7	2.00	14.00
"	Erroll L. English	Sergeant	15-31	17	2.00	34.00
"	Davis H. Wyatt	Sergeant	15-21	7	2.00	14.00
"	Lewis F. Stephens	Sergeant	15-21	7	2.00	14.00
"	Ulan S. Allen	Corporal	15-21	7	2.00	14.00
"	Albert H. Hinds, Jr.	Corporal	15-31	17	2.00	34.00
"	Lester L. Itzin	Corporal	15-21	7	2.00	14.00
"	Arthur B. Lester	Corporal	15-21	7	2.00	14.00
"	Thomas T. Maulsby	Corporal	15-21	7	2.00	14.00
"	Percy E. Mottram	Corporal	15-20	6	2.00	12.00
"	William L. Rice	Corporal	15-18	4	2.00	8.00
"	Earl T. Ross	Corporal	15-21	7	2.00	14.00
Page total -----						3,189.60

Schedule #121 (Page 5)

Estab. Pos. #	Name	Occupation	Employed		Rate	Amount Earned
			Fr	To Das.		
			December 1941			
Company "A", 8th Regt. (Cont'd)						
9B14S	L. Y. Barnes	Pvt.	15-21	7	2.00	14.00
"	Marcus Berger	Pvt.	17-21	5	2.00	10.00
"	Gwynne H. Boucher	Pvt.	15-21	7	2.00	14.00
"	Earl R. Boyd	Pvt.	18-31	14	2.00	28.00
"	James T. Brewer	Pvt.	15-21	7	2.00	14.00
"	Marston Burnham	Pvt.	15-21	7	2.00	14.00
"	Richard L. Cannon	Pvt.	15-21	7	2.00	14.00
"	John H. Deaton	Pvt.	15-21	7	2.00	14.00
"	Arthur B. Demuth	Pvt.	15-21	7	2.00	14.00
"	J. E. Engelstad	Pvt.	15-21	7	2.00	14.00
"	John A. Floyd	Pvt.	15-21	7	2.00	14.00
"	Charles Owen Forsberg	Pvt.	15-16	2	2.00	4.00
"	Robert Donald Fraser	Pvt.	15-21	7	2.00	14.00
"	Ralph F. Golden	Pvt.	15-18	4	2.00	8.00
"	Donald Greig	Pvt.	15-21	7	2.00	14.00
"	Carl O. Gruner	Pvt.	15-21	7	2.00	14.00
"	Peter Guldemon	Pvt.	15-16	2	2.00	4.00
"	David Haffly	Pvt.	18-21	4	2.00	8.00
"	Benjamin L. Hansen	Pvt.	15-31	17	2.00	34.00
"	William D. Harmer	Pvt.	15-18	4	2.00	8.00
"	Robert F. Hartman	Pvt.	15-31	17	2.00	34.00
"	Beverly Hensell	Pvt.	19-31	13	2.00	26.00
"	H. R. Hill	Pvt.	15-21	7	2.00	14.00
"	Alger E. Howell	Pvt.	15-21	8	2.00	14.00
"	J. W. Humphries	Pvt.	19-21	3	2.00	6.00
"	Kenneth W. Hutchinson	Pvt.	19-31	13	2.00	26.00
"	Bernard Jacobson	Pvt.	15-21	7	2.00	14.00
"	Alfred T. Jones	Pvt.	15-21	7	2.00	14.00
"	Carl W. Kaland	Pvt.	15-21	7	2.00	14.00
"	Bob Kincaid	Pvt.	19-21	3	2.00	6.00
Total						3,629.60

Schedule #121 (Page 6)

Estab. Pos. #	Name	Occupation	Employed		Rate	Amount Earned
			Fr	To Das.		
			December			
			1941			
9B14S	Company "A", 8th Regt. (Cont'd)					
	William Kilkey	Pvt.	15-21	7	2.00	14.00
"	Gordon Kessling	Pvt.	15-31	17	2.00	34.00
"	Harvey E. Learner	Pvt.	16-21	6	2.00	12.00
"	Dwight V. Lee	Pvt.	15-21	7	2.00	14.00
"	Melvin E. Lind	Pvt.	15-21	7	2.00	14.00
"	Everett J. Lytle	Pvt.	15-31	17	2.00	34.00
"	Leroy E. May	Pvt.	15-21	7	2.00	14.00
"	Jerome W. McCorkell	Pvt.	15-19	5	2.00	10.00
"	Edgar R. Neely	Pvt.	15-21	7	2.00	14.00
"	Dominick Nenna	Pvt.	19-21	3	2.00	6.00
"	James A. Newell	Pvt.	19-21	3	2.00	6.00
"	George Odom	Pvt.	19-21	3	2.00	6.00
"	Roy E. Parker	Pvt.	15-20	6	2.00	12.00
"	Ray W. Patrick	Pvt.	15-21	7	2.00	14.00
"	Marinus Peterson	Pvt.	15-21	7	2.00	14.00
"	Merle R. Plummer	Pvt.	15-21	7	2.00	14.00
"	Jonas W. Pumphrey	Pvt.	15-16	2	2.00	4.00
"	Aloysius Reed	Pvt.	17-21	5	2.00	10.00
"	Harry Regas	Pvt.	15-20	6	2.00	12.00
"	Stanley D. Richard	Pvt.	15-21	7	2.00	14.00
"	Glenwood L. Richardson	Pvt.	15-18	4	2.00	8.00
"	John E. Roberts	Pvt.	15-31	17	2.00	34.00
"	Jackson C. Roether	Pvt.	15-16	2	2.00	4.00
"	Victor D. Rogers	Pvt.	15	1	2.00	2.00
"	Milton Schwartz	Pvt.	19-21	3	2.00	6.00
"	Gaylord L. Scott	Pvt.	15-31	17	2.00	34.00
"	Joseph Selig	Pvt.	15-21	7	2.00	14.00
"	Carl H. Shaw	Pvt.	15-17	3	2.00	6.00
"	James I. Slack	Pvt.	15-17	3	2.00	6.00
"	Paul W. Surry	Pvt.	15-21	7	2.00	14.00
"	Ernest G. McIntosh	Pvt.	15-21	7	2.00	14.00
Total						4,043.60

Schedule #121 (Page 7)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
			December			
	Company "A", 8th Regt. (Cont'd)		1941			
9B14S	Albert L. Taylor	Pvt.	15-21	7	2.00	14.00
"	Ivan B. Thom	Pvt.	15-21	7	2.00	14.00
"	Elmer D. Vorce	Pvt.	16-31	16	2.00	32.00
"	R. F. Webber	Pvt.	16-21	6	2.00	12.00
"	William D. Weed	Pvt.	15-21	7	2.00	14.00
"	Robert Weseloh	Pvt.	19-31	13	2.00	26.00
"	Fremont Wilson	Pvt.	19-21	3	2.00	6.00
"	Marvin F. Young	Pvt.	15-21	7	2.00	14.00
"	John F. Zittell	Pvt.	16-21	6	2.00	12.00
	Company B, 8th Regt.					
9A14S	Eugene J. Hartley	Captain	9-31	23	10.54	242.42
"	Neal G. Moore	2nd Lieutenant	12-31	20	6.10	122.00
9B14S	George M. Considine	Sergeant	9-31	23	2.00	46.00
"	Orville Hauck	Sergeant	15-31	17	2.00	34.00
"	Richard F. Thorpe	Sergeant	15-21	7	2.00	14.00
"	Karl Zorn	Sergeant	15-21	7	2.00	14.00
"	Charles Bush	Corporal	15-21	7	2.00	14.00
"	Harold E. Cowley	Corporal	15-21	7	2.00	14.00
"	Wilford S. Hawkins	Corporal	15-21	7	2.00	14.00
"	Walter F. Knowlden	Corporal	15-21	7	2.00	14.00
"	Harold M. Aiken	Pvt.	15-21	7	2.00	14.00
"	Richard R. Aiken	Pvt.	15-21	7	2.00	14.00
"	Roy Akers	Pvt.	15-21	7	2.00	14.00
"	Thorvald Anderson	Pvt.	19-21	3	2.00	6.00
"	Davis Baker	Pvt.	15-21	7	2.00	14.00
"	John Balason	Pvt.	15-21	7	2.00	14.00
"	William Beaghler	Pvt.	15-21	7	2.00	14.00
"	John Behrns	Pvt.	15-18	4	2.00	8.00
"	Donald Berger	Pvt.	15-31	17	2.00	34.00
"	Christian Brueninger	Pvt.	15-31	17	2.00	34.00
Total						4,882.02

Schedule #121 (Page 8)

Estab. Pos. #	Name	Occupation	Employed Fr To		Das.	Rate	Amount Earned
			December				
			1941				
Company B, 8th Regt. (Cont'd)							
9B14S	Jack Brisker	Pvt.	15-21	7		2.00	14.00
"	Henry Bruneau	Pvt.	15-19	5		2.00	10.00
"	George Bunyard	Pvt.	15-21	7		2.00	14.00
"	Homer Chambers	Pvt.	15-21	7		2.00	14.00
"	Paul Chiles	Pvt.	15-31	17		2.00	34.00
"	John D. Clifton	Pvt.	15-31	17		2.00	34.00
"	Benjamin Cohn	Pvt.	15-21	7		2.00	14.00
"	John F. Corby	Pvt.	15-21	7		2.00	14.00
"	Franklin Crumrive	Pvt.	15-31	17		2.00	34.00
"	Oscar DeBeck	Pvt.	15-18	4		2.00	8.00
"	Charles Dicken	Pvt.	15-21	7		2.00	14.00
"	William DuBose	Pvt.	15-21	7		2.00	14.00
"	Albert Dumont	Pvt.	15-31	17		2.00	34.00
			(15-20)				
"	Eugene Dustin	Pvt.	(23-31	15		2.00	30.00
"	James Eastman	Pvt.	15-21	7		2.00	14.00
"	Robt. E. Edwards	Pvt.	15-21	7		2.00	14.00
"	Richard E. Geissler	Pvt.	15-31	17		2.00	34.00
"	Kay Goff	Pvt.	15-21	7		2.00	14.00
"	William Gold	Pvt.	15-21	7		2.00	14.00
"	Stanley Grobecker	Pvt.	15-21	7		2.00	14.00
"	Kenneth Gross	Pvt.	16-21	6		2.00	12.00
"	Phillip G. Hall	Pvt.	15-30	16		2.00	32.00
"	Robert N. Hanby	Pvt.	15-21	7		2.00	14.00
"	John Haan	Pvt.	15-19	5		2.00	10.00
"	Ralph Heath	Pvt.	15-31	17		2.00	34.00
"	Howard Heraty	Pvt.	15-21	7		2.00	14.00
"	Curtis Hill	Pvt.	15-21	7		2.00	14.00
"	Harold Hotchkiss	Pvt.	15-21	7		2.00	14.00
"	James Humphries	Pvt.	15-21	7		2.00	14.00
"	Albert Hunt	Pvt.	15-21	7		2.00	14.00
Total							5,440.02

Schedule #121 (Page 9)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
			December 1941			
Company B, 8th Regt. (Cont'd)						
9B14S	Alexander Hunt	Pvt.	15-31	17	2.00	34.00
"	Jack Hunt	Pvt.	15-21	7	2.00	14.00
"	William Hupp	Pvt.	15-29	15	2.00	30.00
"	Wyatt Ingraham	Pvt.	15-21	7	2.00	14.00
"	Omar Kappner	Pvt.	15-21	7	2.00	14.00
"	Robert C. Kelly	Pvt.	15-31	17	2.00	34.00
"	Donald Kuchni	Pvt.	15-21	7	2.00	14.00
"	Dick Koester	Pvt.	15-21	8	2.00	14.00
"	Dan Latiok	Pvt.	15-31	17	2.00	34.00
"	Frederick Lawrence	Pvt.	15-21	7	2.00	14.00
"	Alfred Lee	Pvt.	15-31	17	2.00	34.00
"	Warren Lindsey	Pvt.	15-18	4	2.00	8.00
"	Donald Livingston	Pvt.	15-18	4	2.00	8.00
"	Dexter Maddox	Pvt.	15-31	17	2.00	34.00
"	Donald McMath	Pvt.	15-21	7	2.00	14.00
"	David Mills	Pvt.	15-21	7	2.00	14.00
"	William Mills	Pvt.	15-21	7	2.00	14.00
"	R. Dale Moore	Pvt.	15-21	7	2.00	14.00
"	Vivian Oates	Pvt.	15-31	17	2.00	34.00
"	Alfred Olsson	Pvt.	15-16	2	2.00	4.00
"	Ralph O'Niel	Pvt.	15-31	17	2.00	34.00
"	Richard Osborn	Pvt.	15-19	5	2.00	10.00
"	Daniel Parker	Pvt.	19-21	3	2.00	6.00
"	Wm. Schwartz	Pvt.	15-21	7	2.00	14.00
"	Fredrick Southard	Pvt.	15-21	7	2.00	14.00
"	Eldon Stalnaker	Pvt.	15-21	7	2.00	14.00
"	Burce Stoddard	Pvt.	15-21	7	2.00	14.00
"	Clarence Turner	Pvt.	15-17	3	2.00	6.00
"	Ulrich Turner	Pvt.	15-26	12	2.00	24.00
"	Johaam Vermeulin	Pvt.	15-21	7	2.00	14.00
Total	-----					5,984.02

Schedule #121 (Page 10)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
			December			
			1941			
9B14S	<i>Company B, 8th Regt. (Cont'd)</i>					
	Donald H. Wells	Pvt.	15-21	7	2.00	14.00
"	Sparks Wilson	Pvt.	15-21	7	2.00	14.00
"	Robt. Woolman	Pvt.	15-21	7	2.00	14.00
"	Franklin Wiley	Pvt.	15-21	7	2.00	14.00
"	Kenneth Yzelman	Pvt.	15-31	17	2.00	34.00
"	Karl Zorn	Pvt.	15-20	6	2.00	12.00
"	Gordon Small	Pvt.	16-31	16	2.00	32.00
"	Lloyd White	Pvt.	17-31	15	2.00	30.00
"	Wm. Merifield	Pvt.	17-31	15	2.00	30.00
"	Jack Wilkinson	Pvt.	19-21	3	2.00	6.00
"	Paul Purdue	Pvt.	19-21	3	2.00	6.00
"	Keith Cheney	Pvt.	19-21	3	2.00	6.00
"	Don Coleman	Pvt.	19-31	13	2.00	26.00
"	James A. Daly	Pvt.	19-21	3	2.00	6.00
"	Wilburn Hale	Pvt.	19-21	3	2.00	6.00
"	Stuart Hardy	Pvt.	19-21	3	2.00	6.00
"	Melville Aubrey	Pvt.	19-21	3	2.00	6.00
"	Ralph Kahan	Pvt.	19-21	3	2.00	6.00
"	Wilson Ludwick	Pvt.	19-21	3	2.00	6.00
"	Earl Marteeny	Pvt.	19-21	3	2.00	6.00
"	Henry Murray	Pvt.	19-21	3	2.00	6.00
"	Harvey Trammell	Pvt.	19-31	13	2.00	26.00
"	Lawrence Worch	Pvt.	19-21	8	2.00	6.00

Schedule #121 (Page 11)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
			December 1941			
9B14S	Company C, 8th Regt. CSG (Cont'd)					
	Harold H. Cowley	Pvt.	9-14	6	2.00	12.00
"	Leroy E. Dopp	Pvt.	9-14	6	2.00	12.00
"	Joseph C. Eaton Jr.	Pvt.	9-14	6	2.00	12.00
"	Errol L. English	Pvt.	9-14	6	2.00	12.00
"	Ivan Finn	Pvt.	9-14	6	2.00	12.00
"	Melvin J. Grigsby	Pvt.	9-14	6	2.00	12.00
"	Orville L. Hauck	Pvt.	9-14	6	2.00	12.00
"	Ralph M. Heath	Pvt.	9-14	6	2.00	12.00
"	Joseph L. Hewes	Pvt.	9-14	6	2.00	12.00
"	Fred H. Huston	Pvt.	9-14	6	2.00	12.00
"	Beverly W. Kelly	Pvt.	9-14	6	2.00	12.00
"	John M. King	Pvt.	9-14	6	2.00	12.00
"	Burton G. Lash	Pvt.	9-14	6	2.00	12.00
"	Walter R. Linn	Pvt.	9-14	6	2.00	12.00
"	John L. Lorenz	Pvt.	9-14	6	2.00	12.00
"	Joe W. McCain	Pvt.	9-14	6	2.00	12.00
"	Roscoe H. Munroe	Pvt.	9-14	6	2.00	12.00
"	Oscar E. Nelson	Pvt.	9-14	6	2.00	12.00
"	Vivian J. Oates	Pvt.	9-14	6	2.00	12.00
"	O. D. Overton	Pvt.	9-14	6	2.00	12.00
"	Jay G. Palmer	Pvt.	9-14	6	2.00	12.00
"	Lloyd A. Parish	Pvt.	9-14	6	2.00	12.00
"	Benigno R. Pedroza	Pvt.	9-14	6	2.00	12.00
"	Marinus Peterson	Pvt.	9-14	6	2.00	12.00
"	Wendell S. Phillips	Pvt.	9-14	6	2.00	12.00
"	James L. Prince	Pvt.	9-14	6	2.00	12.00
"	Eugene L. Prizer	Pvt.	9-14	6	2.00	12.00
"	Daniel M. Reade	Pvt.	9-14	6	2.00	12.00
"	Francis S. Reynolds	Pvt.	9-14	6	2.00	12.00
"	Lawrence W. Roberts	Pvt.	9-14	6	2.00	12.00
Total						6,734.00

Schedule #121 (Page 12)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.	Rate	Amount Earned
			December 1941		
Company C, 8th Regt CSG (Cont'd)					
9B14S	Robert Schmidt	Pvt.	9-14	6	2.00
"	Robert Shull	Pvt.	9-14	6	2.00
"	William F. Shull	Pvt.	9-14	6	2.00
"	Theodore B. Thomas	Pvt.	9-14	6	2.00
"	Courtney M. Walton	Pvt.	9-14	6	2.00
"	Leo G. Watts	Pvt.	9-14	6	2.00
"	Lloyd White	Pvt.	9-14	6	2.00
"	George E. Wright	Pvt.	9-14	6	2.00
"	Theodore A. Wright	Pvt.	9-14	6	2.00
"	Kenneth E. Yzelman	Pvt.	9-14	6	2.00
Hq. Det. 2nd Bn. 8th Reg.					
9A14S	Donald A. Briggs	Captain	11, 14 15-31	19	10.54
9A14S	W. J. Kirk	2nd Lieutenant	(11, 14 15-31	19	6.10
"	K. L. Warner	2nd Lieutenant	11-13 17-18	5	6.10
9B14S	Theodore A. Wright	Pvt.	15-27 (13, 15, 16 17, 19	13	2.00
"	I. J. Harris	Pvt.	15-31	5	2.00
"	Donovan F. Cartwright	Pvt.	15-31	17	2.00
"	E. L. Prizer	Pvt.	15-31	17	2.00
"	Jack J. Harrington	Pvt.	27-31	5	2.00
Company E, 8th Regt. CSG, Vista, Calif.					
9A14S	George A. Shaffer	Captain	7-13	5	11.87
"	Merritt E. Strickland	2nd Lieutenant	7-10	4	6.10
"	Frank Harlan	2nd Lieutenant	7-10	4	6.10
9B14S	George M. Butler	1st Sgt.	7- 8	2	2.00
"	Roy P. Councilman	Mess Sgt.	7	1	2.00
"	Joseph V. Clement	Sgt.	7	1	2.00
"	Oliver K. Williamson	Sgt.	7	1	2.00
"	Thomas S. Lofthouse	Sgt.	7	1	2.00
"	Wright C. Bissinger	Sgt.	7- 8	2	2.00
"	Arden W. Godwin	Sgt.	7- 8	2	2.00
Total					7,442.83

Schedule #121 (Page 13)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
	<i>Company E, 8th Regt. CSG. Vista, Calif. (Cont'd)</i>		December 1941			
9B14S	Kenneth M. Morse	Sgt.	7	1	2.00	2.00
"	Charles H. Mull, Jr.	Corporal	7	1	2.00	2.00
"	James G. Crismon	Corporal	8	1	2.00	2.00
"	Dewey G. Devoid	Corporal	8-9	2	2.00	4.00
"	George W. Roberts	Corporal	7-8	2	2.00	4.00
"	William A. Roberts	Corporal	7-8	2	2.00	4.00
"	Lewis H. Fields	Private	7-8	2	2.00	4.00
"	Patricio Rojas	Pvt.	7	1	2.00	2.00
"	Albert L. LaVaque	Pvt.	7	1	2.00	2.00
"	John S. Webb	Pvt.	8-9	2	2.00	4.00
"	Harry C. White	Pvt.	7-8	2	2.00	4.00
"	Elmer L. Baskins	Pvt.	8	1	2.00	2.00
"	Harry N. Halfhill	Pvt.	7	1	2.00	2.00
"	Stanley D. Hawkins	Pvt.	7	1	2.00	2.00
"	Richard W. Iveson	Pvt.	7	1	2.00	2.00
"	Richard W. Files	Pvt.	7-8	2	2.00	4.00
	<i>Company "I", 8th Regiment</i>					
"	Roscoe H. Munroe	Pvt.	15-23	9	2.00	18.00
	<i>Company "L", 8th Reg., CSG.</i>					
"	Lloyd A. Parish	Pvt.	15-20	6	2.00	12.00
	<i>Company M, 8th Regiment</i>					
9A14S	Eugene H. Imler	1st Lieutenant	9-28	20	8.76	175.20
9B14S	Cleo S. Bowlin	Pvt.	15-28	14	2.00	28.00
"	Fred H. Huston	Pvt.	15-24	10	2.00	20.00
"	Wm. J. Thacker	Pvt.	21	1	2.00	2.00
GRAND TOTAL -----						7,744.03
		9A14S—\$2,974.03				
		9B14S— 4,770.00				

Under date of January 19, 1942, State Controller issued warrants M-9321 to M-9384 inc., in the total sum of \$754.88, same in payment of Adjutant General Claim Schedule No. 130 drawn against appropriation Maintenance State Guard, Chapter 755, Statutes 1941, Ninety-third Fiscal Year.

List of personnel to whom warrants were issued attached.

CLARENCE H. SMITH

Deputy State Controller

Subscribed and sworn to before me this twentieth day of January, 1942.

[SEAL]

BERT FOSTER

Deputy State Controller

Pay Roll of The Adjutant General

Fund or Appropriation—Maintenance, State Guard

Chap. 755, 1941—Fiscal Year 93rd

Schedule #130 (Page 1)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.	Rate	Amount Earned
<i>Southern Area—Group Company F—8th Regt.</i>		<i>Three</i>	<i>December 1941</i>		
9A14S	Raymond E. Badger	1st Lieutenant	9, 10, 16, 18 22, 23, 25 (7-10-11-13-18)	7	8.76 61.32
"	John P. Kirby	2d Lieutenant	(19-25-26-29 7-9-12-21-30)	9	6.10 54.90
"	Roy A. Seeman	2d Lieutenant	30 (7-9-11-13-17)	6	6.10 36.60
9B14S	James W. Coles	Sgt.	(24-27-29-31)	9	2.00 18.00
"	Oscar E. Nelson	Sgt.	26-31	6	2.00 12.00
"	Roy W. Magnuson	Sgt.	10	1	2.00 2.00
"	Daniel A. Noble	Sgt.	9	1	2.00 2.00
"	Edward L. Hammond	Corp.	11	1	2.00 2.00
"	Emmett O. Peugh	Corp.	11-17-18	3	2.00 6.00
"	Donald C. Lentz	Corp.	12-16-17	3	2.00 6.00
"	Charles R. Nelson	Corp.	9	1	2.00 2.00
"	Howard L. Land	Corp.	10	1	2.00 2.00
"	Sam C. Miller	Corp.	12-13	2	2.00 4.00
"	Thomas F. Harrington	Corp.	(9-12-14-17-19)		
"	George E. Wright	Corp.	(23-24-30-31)	9	2.00 18.00
"	Harry E. Johnston	Corp.	14-20	7	2.00 14.00
"	Leigh W. Young	Corp.	9-11-21	3	2.00 6.00
"	Russell H. Millar	Pvt.	12	1	2.00 2.00
"	William J. Kirk	Pvt.	10	1	2.00 2.00
"	Morgan Glineski	Pvt.	7-13	7	2.00 14.00
"	Bernie Ferguson	Pvt.	10, 24	2	2.00 4.00
"	John Knipe	Pvt.	12	1	2.00 2.00
"	Carl Nieman	Pvt.	13	1	2.00 2.00
"	Frank H. Cable	Pvt.	12	1	2.00 2.00
"	Richard Gilbert	Pvt.	14	1	2.00 2.00
"	Lawrence L. Lux	Pvt.	10	1	2.00 2.00
"	Myron A. Gean	Pvt.	12-19-26	3	2.00 6.00
"	Charles E. Spainhower	Pvt.	9	1	2.00 2.00
"	Milton McCoy	Pvt.	10	1	2.00 2.00
"	Eugene C. Cuning	Pvt.	12	1	2.00 2.00
			11	1	2.00 2.00
					292.82

Schedule #130 (Page 2)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.			Rate	Amount Earned
			December 1941				
	Company F—8th Regt. (Cont'd)						
9B14S	Frederick Turner	Pvt.	13	1		2.00	2.00
"	Jack R. Fox	Pvt.	9	1		2.00	2.00
"	Henry Zimmerman	Pvt.	9, 22, 29	3		2.00	6.00
"	Alfred V. Greer	Pvt.	12	1		2.00	2.00
"	Elmond Thornton	Pvt.	10	1		2.00	2.00
"	Eyvatt McClenaghan	Pvt.	11	1		2.00	2.00
"	Hans Hartman	Pvt.	11	1		2.00	2.00
"	Calvin Thomas	Pvt.	21, 28	2		2.00	4.00
"	Walter Conley	Pvt.	9	1		2.00	2.00
"	Neil Conrad	Pvt.	12	1		2.00	2.00
"	David Erieks	Pvt.	14, 16, 17	3		2.00	6.00
"	James E. Myers	Pvt.	20, 27	2		2.00	4.00
"	Joe Zimmerman	Pvt.	19, 23	2		2.00	4.00
"	Stanley Whitten	Pvt.	12, 24, 31	3		2.00	6.00
"	Charles J. Zimmerman	Pvt.	26	1		2.00	2.00
"	Joseph L. Hewes	Pvt.	22-31	10		2.00	20.00
"	Oscar E. Nelson	Pvt.	16-25	10		2.00	20.00
"	Daniel M. Roade	Pvt.	16-20	5		2.00	10.00
"	Benigno R. Pedroza	Pvt.	16-31	16		2.00	32.00
"	William F. Shull	Pvt.	16-27	12		2.00	24.00
	Company H—8th Regt.						
9A14S	William A. Smart	1st Lt.	7, 9, 13, 19				
			22, 29	6		8.76	52.56
"	John M. McCawley	2nd Lt.	7, 9, 11				
9B14S	George G. Hunt	1st Sgt.	13-19 27-31	15		6.10	91.50
"	Melville Wilkinson	Corp.	7, 23	2		2.00	4.00
"	Henry M. Burton	Corp.	7, 23	2		2.00	4.00
"	Donald K. Palm	Corp.	7	1		2.00	2.00
"	Gordan W. West	Corp.	7	1		2.00	2.00
"	John M. King	Pvt.	22-31	10		2.00	20.00
"	W. H. Bulen	Pvt.	26-31	6		2.00	12.00
							636.88

Schedule #130 (Page 3)

Estab. Pos. #	Name	Occupation	Employed Fr To Das.		Rate	Amount Earned
			December			
			1941			
9B14S	<i>Company H—8th Regt. (Cont'd)</i> Beverly W. Kelley	Pvt.	15-31	17	2.00	34.00
"	Frank L. Lusardi	Pvt.	26-31	6	2.00	12.00
"	R. D. Overton	Pvt.	14-31	18	2.00	36.00
"	James L. Prince	Pvt.	22-31	10	2.00	20.00
"	Arthur Stewart	Pvt.	7-14	8	2.00	16.00
						754.88

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Lieutenant W. P. Menzies of Kelso, Washington, Lieutenant Nelson Eddy of Courtland, California, and Lieutenant R. A. Browning of Larkio, Missouri.

On request of Messrs. Bashore and Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to

C. B. Voorhis, Pasadena, father of Congressman Jerry Voorhis, and John Hunt, Assistant Superintendent City Schools, Los Angeles.

On request of Messrs. Doyle and Lowrey, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to former Assemblyman John O'Donnell of Woodland.

**NOTICE OF MOTION TO RECONSIDER ASSEMBLY BILL NO. 73
CONTINUED**

By unanimous consent, the consideration of motion to reconsider Assembly Bill No. 73 was continued until the next legislative day.

MOTION TO TEMPORARILY SUSPEND RULES

Mr. Maloney moved that Assembly Rule No. 58 be temporarily suspended for the purpose of withdrawing Senate Bill No. 36 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and placed upon the file.

Mr. Stream seconded the motion.

Substitute Motion

Mr. Hawkins moved, as a substitute motion, that Assembly Bill No. 75 also be withdrawn from Committee on Ways and Means, and placed upon the file.

Ruling by Speaker

The Speaker ruled the substitute motion by Mr. Hawkins out of order because Senate Bill No. 36 and Assembly Bill No. 75 were not in the same committee.

Substitute Motion

Mr. Lowrey moved, as a substitute motion, that Senate Bill No. 2 also be withdrawn from Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and placed upon the file.

Motion to Adjourn

Mr. Lyon moved that the Assembly adjourn until 9 a.m., Wednesday, January 21, 1942.

The roll was called, and the motion carried by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Dilworth, Evans, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Lyon, Maloney, McCollister, Middough, Pelletier, Pfaff, Phillips, Poole, Potter, Robertson, Sawallisch, Sheridan, Stream, Thorp, Thurman, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—35.

NOES—Allen, Andreas, Burkhalter, Cain, Collins, George D., Dills, Donnelly, Doyle, Gaffney, Hawkins, Heisinger, Kilpatrick, Lowrey, Massion, Meehan, O'Day, Richie, Russell, and Thomas—19.

Explanation of Vote

I voted "No" because our Rules provide that no adjournment shall be made under a call of the House. Further, I favor working until we act upon an adequate appropriation for the State Guard.

AUGUSTUS F. HAWKINS

ADJOURNMENT

At 5.40 p.m., the Speaker declared the Assembly adjourned until 9 a.m., Wednesday, January 21, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY
THIRTY-FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, January 21, 1942

The Assembly met at 9 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thomas, Thorp, Voigt, Waters, Welch, Wollenberg, and Mr. Speaker—56.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Thomas H. Markham.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Cain.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day by unanimous consent:

Mr. Desmond, on motion of Mr. Turner.

EXPLANATION OF ABSENCE

**Complete and Final Explanation of My Temporary Absence From the
Assembly Chambers on Tuesday, January 20, 1942**

To Whom It May Concern:

After being in session for eight consecutive days I went home to get a clean pair of socks. And if we are in session for another eight days I am going home again.

BYRL R. SALSMAN

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Joint Resolution No. 22—Relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the Department of Employment;
 And reports that the same has been correctly enrolled, and presented to the Governor on the twentieth day of January, 1942, at 8 p.m.

JOHN B. KNIGHT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:
Assembly Joint Resolution No. 20—Relative to memorializing the President and Congress to amend the Federal Social Security Act to permit certain small income to aged and dependent beneficiaries in addition to the aid which they may receive under Federal, State, and local laws;
 And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-first day of January, 1942, at 10 a.m.

JOHN B. KNIGHT, Chairman

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 9—An act to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the organization and operation of Home Guard units, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Demand for Previous Question

Messrs. Howser, F. N., Waters, Kilpatrick, Evans and Collins, Sam L., demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the urgency clause to Senate Bill No. 9.

The roll was called, and urgency clause adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Lowrey, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Voigt, Waters, Welch, Wollenberg, and Mr. Speaker—54.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Lowrey, Maloney, Massion, McCollister, Meehan, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Tenney, Thorp, Thurman, Voigt, Waters, Welch, Wollenberg, and Mr. Speaker—54.

NOES—None.

Bill ordered transmitted to the Senate.

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Maloney, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on motion to suspend Rules and withdraw bill from committee.

MOTION TO TEMPORARILY SUSPEND RULE NO. 58

Mr. Maloney moved that Assembly Rule No. 58 be temporarily suspended for the purpose of withdrawing Senate Bill No. 36 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and placing it upon the file.

Mr. Johnson seconded the motion.

Motion to Amend

Mr. Hawkins moved to amend Mr. Maloney's motion, to include Assembly Bill No. 75 and Senate Bill No. 2.

Mr. Thomas seconded the motion.

Division of Question

Mr. Field asked for a division of the question.

Division of the question granted.

The question being: Shall Assembly Rule No. 58 be temporarily suspended for the purpose of withdrawing Senate Bill No. 36 from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, and placing it on file.

Substitute Motion

Mr. Lyon moved, as a substitute motion, that Senate Bill No. 36 be re-referred from the Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs to the Committee on Ways and Means.

Mr. Frederick F. Houser seconded the motion.

The roll was called, and the substitute motion carried by the following vote:

AYES—Allen, Bashore, Burkhalter, Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Dickey, Dilworth, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton; Lowrey, Lyon, Maloney, McCollister, Meehan, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Thurman, Voigt, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—55.

NOES—Dills, Donnelly, Richie, and Tenney—4.

RECESS

At 10.40 a.m., on motion of Mr. Lyon, the Assembly recessed until 10.55 a.m.

REASSEMBLED

At 10.55 a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RECESS

At 12 m., on motion of Mr. Carlson, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:
Senate Bill No. 36

Respectfully reports the same back without recommendation.

MILLINGTON, Chairman

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON QUORUM CALL**

At 3.37 p.m., on motion of Mr. Turner, further proceedings under the call of the Assembly were dispensed with.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

Motion to Grant Additional Time for Argument

Mr. Carlson moved that Mr. Thomas be given an additional three minutes for arguments on Senate Bill No. 36.

Motion carried.

Motion to Amend

Mr. Tenney moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 9, inclusive, and insert "An act making an appropriation for the".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 17, inclusive; strike out all of pages 2 to 6, inclusive; on page 7, strike out lines 1 to 46, inclusive; and in line 47, strike out "SEC. 8.", and insert "SECTION 1."

Amendment No. 3

On page 7, line 49, of the printed bill, strike out "seven million."; strike out line 50; and in line 51, strike out "dollars (\$7,934,365)", and insert "five million, five hundred thousand dollars (\$5,500,000)".

Amendment No. 4

On page 8, line 3, of the printed bill, strike out "eight thousand, five hundred dollars (\$8,500)", and insert "four thousand, five hundred dollars (\$4,500)".

Amendment No. 5

On page 8 of the printed bill, strike out lines 10 to 15, inclusive.

Amendment No. 6

On page 8 of the printed bill, strike out lines 47 and 48; and in line 49, strike out "SEC. 10", and insert "SEC. 2".

Amendment No. 7

On page 9 of the printed bill, strike out lines 13 to 36, inclusive.

Motion to Table Amendments

Mr. F. N. Howser moved that the amendments to Senate Bill No. 36, offered by Mr. Tenney, be laid on the table.

The roll was called.

Motion for Call of the Assembly

Pending the announcement of the vote, Mr. Tenney moved a call of the Assembly.

The roll was called, and the motion lost by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Houser, Frederick F., Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—32.

NOES—Allen, Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Field, Hastain, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—37.

The question being on the motion to lay the amendments offered by Mr. Tenney to Senate Bill No. 36 on the table.

The roll was called, and the amendments laid on the table by the following vote:

AYES—Allen, Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—36.

NOES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—34.

Demand for Previous Question

Messrs. Collins, Sam L., Waters, Sheridan, Howser, F. N., and Evans demanded the previous question.

The roll was called, and the demand for the previous question sustained by the following vote:

AYES—Allen, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Doyle, Hastain, Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, McCollister, Miller, Millington, Pelletier, Pfaff, Phillips, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, and Wollenberg—39.

NOES—Andreas, Bashore, Burkhalter, Cain, Collins, George D., Dills, Dilworth, Donnelly, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Fred-

erick F., Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Poole, Potter, Richie, Robertson, Russell, Tenney, Thomas, and Mr. Speaker—31.

The question being on the further consideration of Senate Bill No. 36.

Further Consideration of Senate Bill No. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Maloney:

Resolved, That Senate Bill No. 36 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Maloney moved a call of the Assembly.

Motion carried. Time, 4 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 36: By Messrs. Dills, Allen, Donnelly and Andreas—Relative to the refund of sales taxes.

Request for Unanimous Consent

Mr. Dills asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 36, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 36

Assembly Concurrent Resolution No. 36—Relative to the refund of sales taxes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Muto, Dickey, Dills, Ditworth, Donnelly, Doyle, Evans, Field, Gaffney, Hastain, Hawkins, Heisinger, Houser, Frederick F., Houser, F. N., Johnson, Kellens, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middlough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—None.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

The following communication was received, and ordered printed in the Journal:

CALIFORNIA FEDERATION OF WOMEN'S CLUBS
HEADQUARTERS, LOS ANGELES, CALIFORNIA

RESOLUTION

WHEREAS, Spadra, the State Hospital for the care, cure and rehabilitation of drug addicts has been closed to drug addicts; and

WHEREAS, The California Federation of Women's Clubs worked unceasingly since 1919 to establish a much needed institution for the rehabilitation of drug addicts; and

WHEREAS, Governor Olson at the Convention of the California Federation of Women's Clubs held at Fresno, 1940, promised the federation in his address that as long as he was Governor of California, Spadra would not be abandoned; therefore be it

Resolved, That we, the Executive Board of the California Federation of Women's Clubs, most strongly protest the action taken in regard to the closing of Spadra to drug addicts; and be it further

Resolved, That copies of this resolution be sent to Governor Olson, to Dr. Rosanoff, to the Legislature and to the newspapers.

(Signed)

MRS. D. M. BURKE, Narcotic Chairman, S. F. District
MRS. JAY T. COOPER, President, S. F. District

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 37

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Request for Unanimous Consent

Mr. Johnson asked for, and was granted, unanimous consent to take up Senate Bill No. 37, at this time, without reference to committee or file.

CONSIDERATION OF SENATE BILL NO. 37**Temporary Suspension of Assembly Rule No. 33**

On motion of Mr. Johnson, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Bill No. 37.

Resolution to Suspend Constitutional Provision

The following resolution was offered :

By Mr. Johnson :

Resolved, That Senate Bill No. 37 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, T. Fenton ; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 37—An act to add Section 6.90c to Article 6a, Chapter 2, Part 1, Division 6, of the School Code, relating to the establishment and maintenance of pilot training programs outside of the State by governing boards of junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Allen, Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain,

Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kilpatrick, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Field, Gaffney, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—Knight, T. Fenton—1.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 30—Relative to including the subject of the manner of claiming veterans' exemptions in the Proclamation calling a possible special session;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-first day of January, 1942, at 3.30 p.m.

JOHN B. KNIGHT, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 20, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 20

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 20

Temporary Suspension of Assembly Rule No. 33

On motion of Mr. Lyon, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Concurrent Resolution No. 20.

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Resolution read.

Motion to Amend

Mr. Lyon moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed measure, strike out "adjournment sine die", and insert "a recess".

Amendment No. 2

On page 1 of the printed measure, strike out line 4, and insert "recess at 11.55 o'clock p.m., on the twenty-first day of January, 1942, to reconvene at 2 o'clock p.m., on the first day of September, 1942; and be it further

Resolved, That in the event it appears to the Speaker of the Assembly and the President pro tempore of the Senate to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to the said first day of September, 1942, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the Speaker of the Assembly and the President pro tempore of the Senate. One copy shall be delivered to the Secretary of the Senate, and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in this notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each Member of the Senate at the home address for such Member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each Member of the Assembly at the home address for such Member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the Members as herein provided shall be conclusive evidence of the facts therein stated."

Amendments read.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION
TO CONSIDER SENATE BILL NO. 36**

At 4.22 p.m., on motion of Mr. Maloney, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Del Mutolo, Dickey, Dilworth, Doyle, Evans, Field, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, T. Fenton; Leonard, Lyon, Maloney, McColister, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawailisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.
NOES—Burkhalter, Cain, Collins, George D., Crowley, Dills, Donnelly, Gaffney, Gunlock, Kilpatrick, King, Lowrey, Massion, Meehan, O'Day, Richie, Tenney, and Thomas—17.

FURTHER CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Maloney moved a call of the Assembly.

Motion carried. Time, 4.25 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****FURTHER CONSIDERATION OF SENATE CONCURRENT
RESOLUTION NO. 20**

Senate Concurrent Resolution No. 20—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Further Consideration of Amendments by Mr. Lyon

The question being on the adoption of the amendments offered by Mr. Lyon.

Amendments read and adopted.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20, at this time, without reference to reprint.

Consideration of Senate Concurrent Resolution No. 20, as Amended

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California.

Resolution read as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Daley, Diekey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pelletier, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Weybret, Wolfenberg, and Mr. Speaker—41.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—29.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Gunlock, Lyon, and Garland:

House Resolution No. 77

Relative to death of N. V. Wemple

WHEREAS, The Members of this Assembly have learned with sorrow that their former associate and friend, N. V. Wemple, has passed from this life; and

WHEREAS, N. V. Wemple, native son of California, served with devotion and faithfulness the people of Modoc, Lassen, Plumas, and Sierra Counties in the 1925 and 1927 Regular Sessions of the Legislature; and

WHEREAS, Besides his services in the Halls of the Assembly, N. V. Wemple generously gave other years of his life to public service, occupying the office of County Assessor of Lassen County for eight years and performing the duties of Justice of the Peace for Honey Lake Township, Lassen County, at the time of his death; now, therefore, be it

Resolved by the Assembly of the State of California, That this Assemblage expresses its real sorrow and regret at the loss of an old friend and colleague; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send a suitably prepared copy of this resolution to the bereaved family of N. V. Wemple.

Request for Unanimous Consent

Mr. Gunlock asked for, and was granted, unanimous consent to take up House Resolution No. 77, at this time, without reference to committee.

Resolution read and adopted unanimously.

By Mr. McCollister:

House Resolution No. 78

WHEREAS, On December 22, 1941, the Legislature passed Assembly Bill No. 4 which was approved by the Governor and is now a law of this State providing that members of the State Guard may resign from the service for any one of several reasons; and

WHEREAS, It has come to the attention of Members of the Legislature that due, either to misunderstanding on the part of members or officers of the Guard, or due to a wilful or subtle thwarting of the intent and purpose of this law on the part of some officers of the Guard, or for whatever reason, men have been prevented from resigning from the Guard; now, therefore, be it

Resolved by the Assembly of the State of California, That The Adjutant General of this State be requested and directed to prepare a general order setting forth the fact that a member of the Guard may resign under the terms of the law referred to herein, on his own volition and request, such order to set forth word for word, as they appear in the law, the grounds upon which a member may resign; and be it further

Resolved, That The Adjutant General be directed to cause a copy of this general order to be sent to each company commander with the direction that it be read to each company, and that the same be immediately posted at company headquarters, and that said order shall set forth the date after which such resignations can not be submitted; and be it further

Resolved, That The Adjutant General and all officers of the State Guard having such matters under their jurisdiction lend every facility to men who wish to resign from the Guard, and that they be directed to construe liberally the law on this matter where construction may be necessary so as to resolve any doubt in the favor of the member requesting resignation.

Request for Unanimous Consent

Mr. McCollister asked for, and was granted, unanimous consent to take up House Resolution No. 78, at this time, without reference to committee.

Resolution read and adopted.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Thurman, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 20, 1942

*Honorable Allen G. Thurman, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: Resignations from the State Guard pursuant to Chapter 3 of the First Extra Session of the Fifty-fourth Legislature.

REQUEST: No. 4963.

DEAR MR. THURMAN:

Question

You have asked us whether or not a member of the State Guard upon giving five days' notice in writing to his commanding officer for a cause stated in Section 555.1 of the Military and Veterans Code is upon the expiration of the five days no longer a member of the State Guard. You have also asked us whether or not the recommendation of the company commander of a member so giving notice is necessary to effect the member's withdrawal from the State Guard.

Opinion

In our opinion, upon the expiration of five days from the giving of the notice, the member of the State Guard has resigned. No approval of a superior officer is in our opinion necessary to effect the resignation.

Analysis

Section 555.1 was added to the Military and Veterans Code by Chapter 3 of the First Extra Session of the Fifty-fourth Legislature, the section becoming effective on January 2, 1942, and reading as follows:

"Within 30 days after the effective date hereof, any member of the State Guard may upon five days' notice in writing to his commanding officer withdraw and resign therefrom on the ground of unreasonable hardship for any of the following causes:

- (a) The existence of one or more dependents
- (b) Inability to serve outside the county of enlistment, because of unreasonable business or financial loss
- (c) Inability to render full time service because of unreasonable business or financial loss
- (d) Physical inability to perform full time duties
- (e) Such other reason, as may be approved by the battalion and regimental commanders
- (f) Employment as a National defense worker.

Authority is also hereby created, for the 30-day period of effect of this legislation, for any company commander of any unit of the State Guard to recommend the retirement or withdrawal from the State Guard of any men within his command whose services are known to be of greater value in civil occupation, or who should retire to other defense organization work, and The Adjutant General of the State Guard shall forthwith, in accordance with the intent of this legislation, effect the release of men so recommended."

Giving to the language of this section its normal meaning, it would appear that within 30 days after the effective date of Section 555.1 any member of the State Guard might, upon giving five days' notice in writing to his commanding officer, withdraw and resign from the State Guard for any one of the causes set forth in subdivisions (a) to (f), inclusive, of the section if unreasonable hardship is caused

thereby. No procedural requirement for any other action is made by the section, and we know of no reason for implying one.

While the final paragraph of Section 555.1 gives to any company commander authority to recommend the retirement or withdrawal from the State Guard of men in certain circumstances, the wording of the section would seem to us to clearly indicate that this authority is divorced entirely from the right given to a member of the State Guard to resign therefrom in the manner provided in Section 555.1.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By J. D. STRAUSS, Assistant Counsel

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO SENATE BILL NO. 36

At 4.40 p.m., on motion of Mr. Maloney, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No. 36 adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Crowley, Daley, Del Mutolo, Diekey, Dilworth, Doyle, Evans, Field, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Midough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Dills, Donnelly, Gaffney, Gundock, Hawkins, Kilpatrick, King, Lowrey, Meehan, O'Day, Richie, Tenney, and Thomas—17.

FURTHER CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Maloney moved a call of the Assembly.

Motion carried. Time, 4.45 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 37: By Mr. Dills—Relative to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class.

Referred to Committee on Rules.

Hon. Charles W. Lyon, Presiding

At 4.48 p.m., Hon. Charles W. Lyon, Member of the Assembly from the Fifty-ninth Assembly District, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

MR. SPEAKER: Your Committee on Rules desires to report that it recommends that the request of Assemblyman Phillips for the printing of 2,000 additional copies of Assembly Bill No. 777 of the 1941 Session be granted.

LYON, Chairman

Report read and adopted.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Lowrey, ordered printed in the Journal:

RESOLUTION No. 2286

WHEREAS, Companies "K" and "M" of the First Regiment, California State Guard, under command of Captain Gerald De Graf and Captain H. L. Winterrowd respectively, have been assigned to guard and protect the Golden Gate Bridge against damage from sabotage by enemies of the United States; and

WHEREAS, The conditions under which the officers and enlisted personnel of said Companies "K" and "M" performing this service are such as to require great fortitude, personal sacrifice and an inspiring spirit of patriotism; now, therefore, be it

Resolved by the Directors of the Golden Gate Bridge and Highway District. That they do hereby express to Captain Gerald De Graf and Captain H. L. Winterrowd, and, through them respectively, to the commissioned officers, noncommissioned officers and enlisted personnel of Companies "K" and "M" First Regiment, California State Guard, the sincere thanks and appreciation of the directors, officers and people of the Golden Gate Bridge and Highway District for the thoroughly efficient and soldier-like manner in which the Golden Gate Bridge is being safeguarded from damage; and be it further

Resolved, That this resolution be spread in full upon the minutes of this board and the secretary authorized and directed to furnish copies, attested by him and signed by the president, to the Governor, The Adjutant General of the State of California, the commanding officer of the First Regiment, California State Guard, and the commanding officers of said Companies "K" and "M" of said regiment.

Unanimously adopted this ninth day of January, 1942, by the following vote of the Board:

AYES—Directors Bagshaw, Berry, Coombs, Doyle, Fehely, Haase, Hader, McLaughlin, Newhouse, Rickets and Thompson.

NOES—Directors none.

ABSENT—Directors O'Brien, Varley and Welch.

Approved this ninth day of January, 1942.

[SEAL]

H. D. NEWHOUSE

President of the Board of Directors

Attest: W. W. FELT, JR.

Secretary of the Board of Directors

MOTION TO PRINT OPINION IN JOURNAL

Mr. Robertson asked for, and was granted, unanimous consent to have the following communication from the Legislative Counsel Bureau read, and ordered printed in the Journal with the understanding that it reflects legislative intent on Senate Bill No. 9 and Senate Bill No. 36 at the time of passage of Senate Bill No. 9.

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 21, 1942

*Honorable Frederick F. Houser, Assembly Chamber
State Capitol, Sacramento, California*

SUBJECT: State Guard Legislation

DEAR MR. HOUSER: You have called our attention to the provisions of Senate Bill No. 36, as introduced, and to Senate Bill No. 9, as amended in Assembly January 19, 1942. You ask our opinion as to whether, if both of these bills are

enacted, the provisions of Senate Bill No. 9 will in any way modify the limitations on the size of the active membership of the State Guard or upon the number of officers and enlisted men comprising the active membership who may be called for full time active service at any one time, as provided in Senate Bill No. 36.

It is our opinion that if both of these bills are enacted, Senate Bill No. 9 will not in any way alter or affect the provisions of Senate Bill No. 36 relating to the active membership of the State Guard.

Senate Bill No. 36 provides for the division of the State Guard into an active membership and a reserve force. Specific numerical limitations are placed upon the size of the active membership and upon the total from the active membership who may be called into active duty at any one time for service in the absence of actual invasion of the State or the proclamation of a state of insurrection.

Senate Bill No. 9 similarly provides that members of the State Guard shall elect whether they shall be available for full time active service or for limited service in a reserve force. The bill is silent as to the organization or size of the active membership. It does contain provisions, however, for the organization of the reserve force into units to be designated as Home Guards.

While there is a conflict between the two bills with respect to the organization of what is designated as the reserve force of the State Guard that may create a problem of statutory interpretation, there appears to be no conflict so far as the active membership of the State Guard is concerned and the provisions of Senate Bill No. 36 will govern the active membership if both bills become law. The order in which these two bills might be chaptered and become law would not affect this conclusion.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

Copy to authors of Senate Bill No. 36 and Senate Bill No. 9, pursuant to Joint Rule 37.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 36

At 5.05 p.m., on motion of Mr. Maloney, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called.

Explanations of Vote

I voted "Aye" on Assembly Bill No. 36 because of the following reasons:

Section D, page 4, lines 40 to 48, inclusive, gives the Governor all the powers in case of emergency such as invasion, etc., and also does not reduce the pay of the men who are receiving \$2 per day.

DOYLE

The State Guard as now organized under Federal regulations has functioned properly.

The Federal Congress is now formulating legislation to assist the States in civilian defense.

Until we learn what help California will receive, we should at this time appropriate sufficient funds as a stopgap until such Federal action.

S. L. HEISINGER

The undersigned voted against the passage of Senate Bill No. 36 for the following reasons:

We believe that the Legislature should NOT attempt to rearrange or reconstruct the already completed State Guard organization machinery.

Because that machinery, specifically designed to handle all possible wartime contingencies in this all-important production-for-defense State, has been set up by experienced and competent Military authorities.

Because its present structure should be retained in so far as the State Legislature is concerned. Deletion of a single defense unit; cancellation of a single department, would undermine and weaken the machinery as a whole and deprive the citizens of this State and the Nationally important war industries located here of the complete protection they must have.

Leading Guardsmen have repeatedly pointed out that the California State Guard is designed to afford maximum protection to strategic areas throughout the State.

All organization plans were made with this aim in mind.

Now is no time for political tinkering in a Military matter.

Let the Military experts handle the Military organization.

Our sole duty is to make an adequate appropriation for the effective operation of the State Guard. Senate Bill No. 36 hamstring the State Guard and establishes merely a night watchman organization.

The above expresses also the official stand of the veterans organizations of California, particularly the American Legion and the Veterans of Foreign Wars.

We favor passage of Senate Bill No. 2.

JOHN EDWARD CAIN
EDWARD M. GAFFNEY
RALPH C. DILLS
VERNON KILPATRICK
VINCENT THOMAS
EVERETT G. BURKHALTER
HUGH P. DONNELLY
EDWARD F. O'DAY

JACK B. TENNEY
LORNE D. MIDDOUGH
JACK MASSION
FRANK C. RUSSELL
GEORGE D. COLLINS, JR.
LLOYD W. LOWREY
WM. I. GUNLOCK

Speaker Presiding

At 5.30 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 38

Respectfully reports the same back without recommendation.

MILLINGTON, Chairman

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 38—An act making appropriations for The Adjutant General for the support of the State Guard and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Bashore moved the adoption of the following amendments:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out "appropriations for The Adjutant General for the support of the State Guard", and insert "an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 14, inclusive, and insert "SECTION 1. In addition to any other moneys available by law, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of two million eight hundred thirty-three thousand, three hundred thirty-three dollars (\$2,833,333) which may be expended only during the months of February, March and April of 1942 for the operation, maintenance and organization of the State Guard, including not to exceed two thousand eight hundred dollars (\$2,800) for the administrative expenses of the State Controller in connection therewith.

None of the money appropriated by this act shall be available for payment of the salaries of the personnel comprising the staff of The Adjutant General, but such salaries shall be paid from funds heretofore made available for that purpose.

Pursuant to rules adopted by The Adjutant General and approved by unanimous vote of the State Board of Control, the Controller shall audit and allow all proper claims incurred by officers and troops of the State Guard in the service of the State against the appropriation made therefor by this act and shall draw his warrant for any amount so approved and allowed and the Treasurer shall pay the same.

Claims so audited and allowed are exempt from the provisions of law relating to the audit and allowance of claims by the Department of Finance.

The Adjutant General may, without at the time furnishing vouchers and itemized statements, draw from this appropriation the sum of three hundred thousand dollars (\$300,000) for a Revolving Fund where cash payments are necessary. After said sum has been withdrawn, no further money may be withdrawn and deposited in the Revolving Fund until moneys previously withdrawn, deposited in the Revolving Fund and expended have been accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

The expenditure of the appropriation made by this act to The Adjutant General for the State Guard shall be exempt from Sections 664, 669, 675a, and 677.5 of the Political Code and from an act entitled "An act to create a State Purchasing Department, to define the authority, powers, and duties thereof; to provide for the appointment of and to define the authority, powers, and duties and to fix the compensation of the officers and employees thereof, and to appropriate money for the support of said department; and to repeal all acts or parts of acts in conflict with the provisions of this act," approved May 15, 1915.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The declaration of war by the United States and the fact that the State of California is an area designated as a combat zone necessitate an adequate provision for an effective State Guard to meet the demands of State and National defense. It is necessary that adequate funds be made available to the State Guard in order that it may perform its functions properly in this critical period, hence this act must take effect immediately.

Amendments read.

Motion to Substitute Amendments to Assembly Bill No. 38

Mr. F. N. Howser moved that the following amendments be substituted in place of the amendments offered by Mr. Bashore:

Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2, and insert

"An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.3, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it".

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being inclosed within brackets.

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 14, inclusive, and insert

"SECTION 1. Section 555 of the Military and Veterans Code is hereby amended to read as follows:

555. (a) The members of the State Guard or of a licensed military company when called into active service by order of the Governor shall be subject to all military penalties and punishments for violation of the orders of the Governor, or of any officer placed in command of such organization by order of the Governor, as are the members of the National Guard. They shall be subject to the Articles of War and the rules and regulations governing the National Guard[, and]. *Members of a licensed military company shall receive the same pay and allowances while in active service as the members of the National Guard.*

(b) *Commissioned officers of the State Guard while in active service shall be paid a salary equivalent to the base pay only of officers of the same rank or grade in the United States Army.*

No commissioned officer shall receive or be entitled to any additional salary, compensation or allowance, except commutation of rations, other than the salaries provided by this subdivision (b), except that any officer traveling on State Guard business may be reimbursed for his actual and necessary expenses on the same basis as is provided for State officers.

Enlisted men of the State Guard when in active service shall be paid two dollars (\$2) per day. The pay per day for enlisted men above the rank of private when in active service shall be as follows:

<i>Privates First Class</i>	<i>\$2.20</i>
<i>Corporals</i>	<i>2.40</i>
<i>Sergeants</i>	<i>2.60</i>
<i>Staff Sergeants</i>	<i>2.80</i>
<i>First Sergeants and Technical Sergeants</i>	<i>3.00</i>
<i>Master Sergeants</i>	<i>3.25</i>
<i>Commutation of rations, if allowed to any officer or enlisted man, shall not exceed one dollar and twenty cents (\$1.20) per day.</i>	

Officers and enlisted men in the nautical and marine force when in active service shall receive the same pay and allowances as are provided in this section for officers and enlisted men of comparable rank or grade in the infantry.

SEC. 2. Section 555.2 is hereby added to the Military and Veterans Code, to read as follows:

555.2. Officers and enlisted men in the State Guard shall not be required to perform full-time active service except within the limitations provided in this code. Each officer and enlisted man who is now in the State Guard shall have the right to determine whether he desires to be enrolled in the active membership or in the reserve forces of the State Guard. Officers and enlisted men who hereafter become members of the State Guard shall be enrolled either in the active membership or in the reserve forces as may be indicated by them, within the maximum numerical limitations provided in this section. In order that the privileges and rights of the members of the State Guard in this respect may be exercised as completely as possible consistent with the need of the State for an adequate mobile force available for general duty and a sufficient reserve force in the State Guard to meet any emergency that may arise, to the end that the State Guard may effectively perform its functions in protecting the people of this State, the State Guard shall be reorganized and administered as provided in this section and in accordance with the provisions of this code not inconsistent with this section.

(a) The State Guard is part of the active militia of the State. All of the members of the State Guard are hereby declared to be engaged in military service within the meaning of that term as used in Article XXIV of the Constitution of this State and are exempt from civil service.

The State Guard shall consist only of the following:

1. The Adjutant General, and the commissioned and enlisted personnel comprising his staff.

2. Infantry, consisting of not more than 13 regiments, including a quartermasters regiment to be organized on the same basis as hereinafter provided for infantry regiments.

3. The nautical and marine force with an enlisted strength not in excess of 700 men, consisting of not more than five naval units and two companies of marines.

(b) 1. The Adjutant General shall organize not more than 13 regiments of infantry in the State Guard of a maximum strength of not more than 2,160 enlisted men in each regiment. Of this number, not more than 720 men shall constitute the active membership, and the remainder shall constitute the reserve forces. Each regiment shall consist of three battalions of not exceeding four companies in each battalion.

For each regiment there shall be one colonel or lieutenant colonel, not exceeding three majors, one officer having the rank of not higher than captain who shall act as regimental adjutant, one officer having the rank of lieutenant who shall act as regimental supply officer, three medical officers having the rank of not higher than captain, and one chaplain with the rank of first lieutenant.

Each regiment shall have one regimental staff sergeant and one regimental supply sergeant, and each battalion shall have one sergeant major.

Each company shall consist of not more than 60 enlisted men constituting its active membership, and, in addition, not to exceed 120 men organized into four platoons constituting the reserve force. The reserve force of a company may consist of platoons organized in different counties, but all of the membership of a reserve force platoon shall consist of men enlisted in the same county.

Each company shall be commanded by a captain or first lieutenant and shall have one lieutenant in addition thereto. The noncommissioned officers for the active membership in each company shall be one first sergeant, three duty sergeants and six corporals. In addition thereto there shall be appointed for each company one lieutenant for each platoon of the reserve force, together with the necessary noncommissioned officers therefor. Commissioned officers in command of reserve force platoons shall constitute a part of the reserve force.

If it appears to be in the best interests of the State to enlarge the reserve force of any regiment or company beyond the maximum strength provided in this subdivision. The Adjutant General may provide for the organization of additional platoons of the reserve force, to be attached to such company or companies as he may designate.

The Adjutant General may designate any regimental commander as an area commander and shall prescribe his duties, but such officer shall not receive any additional compensation.

2. The Adjutant General may organize the nautical and marine force of the State Guard into not more than five separate naval units designated "ship's companies" and not more than two separate companies of marines.

Each ship's company shall consist of not more than 100 enlisted men. The officers of a ship's company shall be one lieutenant senior grade, two lieutenants junior grade, and three ensigns. Warrant officers and rated men selected from the enlisted men of a ship's company shall be of the same number and grades as are prescribed by the laws and regulations of the United States for similar organizations of the United States Navy.

Each company of marines shall consist of not more than 100 enlisted men. Each company shall be commanded by a captain or first lieutenant and shall have not to exceed three lieutenants in addition thereto. The noncommissioned officers for each company of marines shall be of the same number and grades as are authorized or prescribed by the laws and regulations of the United States for companies of marines of comparable strength.

A chaplain with the rank of lieutenant junior grade shall be appointed for the nautical and marine force.

Within the numerical limit on the maximum strength of the nautical and marine forces, the units thereof shall consist of such number of the active membership or of the reserve force, or both, as may be determined by The Adjutant General, but the total active membership of the infantry regiments shall be reduced by the number of men in the nautical and marine force who comprise a part of the active membership of the State Guard. All of the provisions of law relating to the State Guard and the members thereof are applicable to the nautical and marine force except as otherwise expressly provided.

(c) No officer or enlisted man in either the active membership or the reserve force shall be paid except for the period of his active, full-time service, but all members of the State Guard, whether in the active membership or the reserve forces, shall be paid for their full-time active service.

(d) 1. If the Governor by proclamation declares any county or city or portion thereof to be in a state of insurrection, as provided in Section 143 of the Military and Veterans Code, or if the State is actually invaded by a foreign enemy force, he may call into active service all or any part of the active membership of the State Guard not then on duty and, in addition thereto, such portion or all of the reserve force as he may deem necessary, to serve until the termination of the state of insurrection or the invasion.

2. During such time as the United States is engaged in war, the Governor, in addition to his power to call forth the militia either under Section 1 of Article VIII of the Constitution or as provided in paragraph 1 of this subdivision (d), shall have power to call into full-time active service such part of the active membership of the State Guard, not exceeding 5,000 enlisted men together with the officers provided therefor, for service in any part of the State for the performance of such duties as may be necessary. The provisions of this paragraph constitute a limitation upon the power to call the State Guard into active service under Section 554.

3. In addition to the men in active service as provided in paragraph 2 of this subdivision (d), in each regiment not to exceed three officers and not more than 12 enlisted men may be called into active service on a full-time basis for the administration of the regiment.

4. The members of any unit of the State Guard, including both the active membership and the reserve forces, may at any time voluntarily serve on limited active duty, without compensation of any kind, pursuant to the authorization thereof by the Governor or The Adjutant General and subject to such general or special orders as the Governor or The Adjutant General may issue, whenever such service is requested by a sheriff or chief of police for assistance in connection with National defense problems.

(e) Any person appointed and commissioned an officer of the State Guard shall successfully pass such tests as to his physical, moral and professional fitness as The Adjutant General may prescribe. Officers of the rank of captain or higher, other than medical officers, shall have had active commissioned service, either in the Army of the United States or the United States Marine Corps in command of troops in one of the combatant arms or in the United States Navy, or shall have had at least one year of commissioned service in the State Guard, but the provisions of this sentence shall not be applicable to any member of the State Guard who is a commissioned officer on the effective date of this section and who enlisted or was commissioned prior to December 7, 1941. Commissioned officers shall have the same qualifications as are required of commissioned officers in the United States Army in any case where professional qualifications, other than Military, are prescribed by Federal law, rules or regulations for such officers. The examination to determine the qualifications for commissions of officers shall be conducted by a board of three commissioned officers appointed by The Adjutant General.

The Adjutant General shall remove and release from active service any officer now in the State Guard who does not have the qualifications provided in this subdivision (e). The Adjutant General, with the approval of the Governor, shall remove or release such number of officers and enlisted men of the several ranks or grades as may be necessary to reduce the total number thereof to the maximum number authorized by this section, and in doing so shall be guided by the records of efficiency, training and experience of the officers and men to the end that a high standard of efficiency and experience shall be maintained in the State Guard. Each member now in the State Guard shall elect in writing whether he desires to serve in the active State Guard or the reserve force thereof and shall thereupon and within 30 days after the effective date of this section be transferred in accordance with such election, within the maximum numerical limits of each as provided herein.

At any time the moral character, capacity and general fitness for the service of any State Guard officer may be determined by an efficiency board of three commissioned officers senior in rank to the officer whose fitness for service shall be under investigation, such board to be appointed by The Adjutant General, and if the findings of such board be unfavorable to such officer and be approved by The Adjutant General and the Governor he shall be discharged.

(f) No member of the State Guard shall by reason of service therein be entitled to any pension, bounty, bonus, or gratuity, and no member shall be entitled to workmen's compensation insurance benefits by reason of service in the State Guard except for traumatic injuries incurred as a direct result of active service therein in time of war or National emergency.

SEC. 3. Section 555.5 is hereby added to the Military and Veterans Code, to read as follows:

555.5. Upon request of a regimental commander the governing board of any school district may permit the State Guard to use any school bus owned by the district, without charge, for the transportation of members of the State Guard engaged in State Guard activities. Such use of any school bus by the State Guard shall not impose any liability by reason thereof upon the district or the members of the governing board thereof.

SEC. 4. Section 556.1 of said code is hereby amended to read as follows:

556.1. The Governor is [directed] *authorized* to organize and maintain a State Guard [with a minimum numerical strength of 10,000 persons and not to exceed such maximum numerical strength as the Governor may prescribe] *within the limitations thereon provided in this chapter.*

SEC. 5. Section 556.3 is hereby added to said code, to read as follows:

556.3. The shoulder ornament required by Section 556.2 as part of the uniform of members of the State Guard shall be blue in color with the words "State Guard" lettered thereon. Such ornaments shall forthwith be supplied to and worn by all members of the State Guard.

SEC. 6. Section 556.4 is hereby added to said code, to read as follows:

556.4. No officer or member of the State Guard shall be paid for active service at any time subsequent to 120 days after the effective date of any Federal law providing for the organization of State or Home Guards under the direction or control of the United States Government.

SEC. 7. Section 555.6 is hereby added to said code, to read as follows:

555.6. (a) Members of the State Guard shall have the right to unemployment insurance benefits and it is the purpose of this section to provide such benefits without loss because of active service with the State Guard.

(b) Benefit rights of members of the State Guard shall be determined in accordance with the provisions of the Unemployment Insurance Act, except as otherwise provided in this section.

(c) Where there are 45 days (hereinafter referred to as the minimum period) or more of active service within any calendar quarter of the base period as determined under Section 52.2 of the Unemployment Insurance Act, then his benefits shall be determined under whichever of the following methods results in the higher maximum total amount of benefits payable:

1. The base period is to be determined in accordance with Section 52.2 of the Unemployment Insurance Act.

2. (i) The base period is to consist of the first four out of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that every calendar quarter in which the individual was in active service with the State Guard for the minimum period or more days shall be excluded from the base period and, in lieu of each excluded calendar quarter, a calendar quarter prior to the normal base period shall be considered until there are four calendar quarters, none of which contain the minimum period or more days of active service in the State Guard, from which to determine his benefits.

(ii) Where benefits are computed and paid upon the basis provided in subparagraph (i), that proportion of benefits based upon quarters within the normal base period as defined in Section 52.2 of the Unemployment Insurance Act, shall be charged against the account of employers employing the individual during the normal base period quarters and that proportion of benefits based upon quarters outside the normal base period shall not be charged against any employer.

(d) If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of active service in the State Guard are payable by the United States, an individual shall be disqualified for benefits with respect to any week for which he receives such payments and no benefits shall be paid under the Unemployment Insurance Act until he has exhausted all his rights to such payments from the United States.

SEC. 8. In addition to any other moneys available by law, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two million five hundred thousand dollars (\$2,500,000) to be expended only during the months of February, March and April, 1942, for the equipment, support and maintenance of the State Guard, including not to exceed two thousand five hundred

dollars (\$2,500) for the administrative expenses of the State Controller in connection therewith.

None of the money appropriated by this act shall be available for payment of the salaries of the personnel comprising the staff of The Adjutant General, but such salaries shall be paid from funds heretofore made available for that purpose.

No part of the appropriation made by this act shall be available or shall be expended for payment to any commissioned officer of a salary or allowance in excess of salary and allowance for such officer as set forth in Section 555 of the Military and Veterans Code as amended by Section 1 of this act.

Pursuant to rules adopted by The Adjutant General and approved by unanimous vote of the State Board of Control, the Controller shall audit and allow all proper claims incurred by officers and troops of the State Guard in the service of the State against the appropriation made therefor by this act and shall draw his warrant for any amount so approved and allowed and the Treasurer shall pay the same.

Claims so audited and allowed are exempt from the provisions of law relating to the audit and allowance of claims by the Department of Finance.

The Adjutant General may without at the time furnishing vouchers and itemized statements draw from this appropriation the sum of three hundred thousand dollars (\$300,000) for a revolving fund where cash payments are necessary. After said sum has been withdrawn, no further money may be withdrawn and deposited in the revolving fund until moneys previously withdrawn, deposited in the revolving fund and expended have been accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

The expenditure of the appropriation made by this act to The Adjutant General for the State Guard shall be exempt from Sections 664, 669, 675a and 677.5 of the Political Code and from an act entitled "An act to create a State Purchasing Department, to define the authority, powers, and duties thereof; to provide for the appointment of and to define the authority, powers, and duties and to fix the compensation of the officers and employees thereof, and to appropriate money for the support of said department; and to repeal all acts or parts of acts in conflict with the provisions of this act," approved May 15, 1915.

SEC. 9. This act shall be known and may be cited as the California Guard Act of 1942.

SEC. 10. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The declaration of war by the United States and the fact that the State of California is an area designated as a combat zone necessitate an immediate redefining of the rights and privileges of the State Guard and adequate provision in connection therewith for providing an effective State Guard to meet the demands of State and National defense. It is also necessary that adequate funds be made available to the State Guard in order that it may perform its functions properly in this critical period.

SEC. 11. If any section, subsection, subdivision, sentence, clause or phrase of this act is for any reason held to be not in immediate effect, it is the express legislative intent that such decision shall not affect the immediate operation or validity of the remaining portions of this act.

It is the intent of the Legislature that this entire act shall take effect immediately and that if any portion thereof can not, under the Constitution of this State, so take effect, that all of the remaining provisions hereof shall take effect immediately and that such portion or portions, if any, that can not take effect immediately, shall take effect at the time provided by law. Any portion of this act that may for any reason be held to be not in immediate effect is hereby expressly declared to be severable from the remaining portions of this act.

Further, in the event it is determined that the inclusion of a provision in this act that can not take effect immediately would prevent this act from being construed to be an urgency measure, then any such provision in this act shall be held to be inoperative, and the remaining portions of this act shall take effect immediately.

SEC. 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby."

Amendments read.

Demand for Previous Question

Messrs. Turner, Call, Burns, Hugh M., Collins, Sam L., and Evans demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Mr. Howser's substitute amendments to Assembly Bill No. 38.

The roll was called, and the amendments adopted by the following vote:

AYES—Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—36.

NOES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Poole, Richie, Robertson, Russell, Tenney, Thomas, and Welch—34.

Bill ordered to reprint, and re-engrossment.

RESOLUTIONS

The following resolution was offered:

By Mrs. Daley and Mr. Stream:

House Resolution No. 79

Relative to creation of an Assembly Committee on the State Guard

WHEREAS, Numerous proposals are being advanced for changes in the organization, functions, and administration of the State Guard; and

WHEREAS, Proper legislation on this subject is dependent upon the securing of accurate and unbiased information as to the structure of the State Guard, its personnel and officers, its policies, and its over-all administration; and

WHEREAS, It is necessary in the interests of efficiency and economy and essential to the maintenance of the State Guard in the spirit in which it is set up that the Legislature be enabled to have available information of the nature above described; now, therefore, be it

Resolved by the Assembly of the State of California, That there is hereby created an Assembly Committee on the State Guard, which committee shall study and investigate, accurately and in detail, the organization, functions, and administration of the State Guard, and any and all phases thereof, for the purpose of ascertaining if the State Guard is being administered in accordance with its proper purpose and functions, and for the purpose of recommending changes and proposing legislation in order to increase the efficiency of the State Guard.

The committee shall consist of five Members of the Assembly appointed by the Speaker of the Assembly. Vacancies on the committee shall be filled by appointment by the Speaker.

Upon the appointment of its members the committee may organize, appoint a secretary and employ such clerical and technical assistants and adopt such rules as in its discretion it deems necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein.

The committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records, of every kind and description, and to take all necessary means to compel the attendance of witnesses and to procure testimony. The members of the committee may each administer oaths, and all the provisions of Article 8 of Chapter 2, Title 1, Part 3 of the Political Code, relative to the attendance and examination of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution.

The committee is hereby authorized and empowered to make a complete investigation and study of all matters and subjects hereinbefore referred to and relating thereto, and to do any and all things necessary or convenient to enable it to exercise the powers and duties granted to and imposed upon it.

The committee may create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to take or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter, defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

The committee may hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee. The committee may also meet in executive session. The committee is hereby authorized to act during sessions of the Legislature, including any recess thereof, or after final adjournment, but in no event beyond the convening of the Fifty-fifth Legislature. The committee may report to any session of this Legislature or to the regular session of the Fifty-fifth Legislature, on or before March 15, 1943.

Every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee upon request, any and all assistance and information, records, and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created. The Sergeant-at-Arms of the Assembly, or other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu thereof an allowance of eight dollars (\$8) per day for accommodations and meals.

The sum of five thousand dollars (\$5,000) is hereby made available from the Contingent Fund of the Assembly, for expenses of the committee hereby created and its members, and for any other charges, expenses or claims it may incur under this resolution to be disbursed after certification by the chairman of the committee by warrants of the State Controller drawn upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

RECESS

At 5.40 p.m., on motion of Mr. Lyon, the Assembly recessed until 8 p.m.

REASSEMBLED

At 8 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Bill No. 38

And reports the same correctly re-engrossed.

JOHN B. KNIGHT, Chairman

Above reported bill ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 37

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

LYON, Chairman

Above reported resolution ordered to third reading.

RECESS

Mr. Lowrey moved that the Assembly do recess for three minutes to hear from Lieutenant Governor Ellis E. Patterson.

Mrs. Daley seconded the motion.

Motion carried.

At 8.05 p.m., the Assembly recessed until 8.08 p.m.

REASSEMBLED

At 8.08 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RESOLUTIONS

The following resolution was offered:

By Messrs. Cain, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, George D., Collins,

Sam L., Crowley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Garland, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, Mrs. Daley and Miss Miller:

House Resolution No. 80

WHEREAS, The illness of Earl D. Desmond, Speaker pro tempore of the Assembly, has deprived this House temporarily of one of its leaders whose presence and participation has been sorely missed; and

WHEREAS, The illness of said Earl D. Desmond is attributed largely, if not entirely, to the strain of this extraordinary session; now, therefore, be it

Resolved, That the Assembly hereby expresses its deep sympathy and the hope of a speedy and complete recovery to said Earl D. Desmond; and be it further

Resolved, That a copy of this resolution be transmitted to said Earl D. Desmond by the Chief Clerk of the Assembly.

Request for Unanimous Consent

Mr. Cain asked for, and was granted, unanimous consent to take up House Resolution No. 80, at this time, without reference to committee.

Resolution read, and adopted unanimously.

REQUEST FOR UNANIMOUS CONSENT

Mr. Dills asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 37, at this time, without reference to file, and that same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 37

Assembly Concurrent Resolution No. 37—Relating to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Daley, Del Mutolo, Dickey, Dills, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kilpatrick, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—54.

NOES—Bashore, Dilworth, Evans, Houser, Frederick F., and Knight, T. Fenton—5.

Resolution ordered transmitted to the Senate.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 38

Assembly Bill No. 38—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for

the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Demand for Previous Question

Messrs. Johnson, Waters, Dills, Howser, F. N., and Evans demanded the previous question.

The roll was called, and previous question not sustained by the following vote:

AYES—Dickey, Dilworth, Hastain, Johnson, Leonard, Phillips, Salsman, Waters, Weybret, and Mr. Speaker—10.

NOES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Del Mutolo, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick E., Kellems, Kilpatrick, Knight, T. Fenton; Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Mid-dough, Miller, Millington, O'Day, Pelletier, Poole, Potter, Richie, Robertson, Russell, Sawallisch, Stream, Tenney, Thomas, Thurman, and Welch—45.

Further consideration of Assembly Bill No. 38 deferred.

RECESS

Mr. O'Day moved that the Assembly recess for five minutes.

Mr. Meehan seconded the motion.

Motion carried.

At 9 p.m., the Assembly recessed until 9.05 p.m.

REASSEMBLED

At 9.05 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 38

Assembly Bill No. 38—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Hawkins moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 1 to 18, inclusive, and insert

"An act to make an appropriation for the operation, maintenance and organization of the State Guard, declaring the".

Amendment No. 2

Strike out all of pages 2 to 7, inclusive, of the printed bill, as amended; and on page 8, strike out lines 1 to 14, inclusive, and in line 15, strike out "Sec. 8", and insert "Section 1".

Amendment No. 3

On page 8 of the printed bill, as amended, strike out lines 17, 18, 19; and in line 20, strike out "April, 1942," and insert "State Treasury not otherwise appropriated the sum of seven million five hundred thousand dollars (\$7,500,000) for expenditure during the Ninety-third and Ninety-fourth Fiscal Years,".

Amendment No. 4

On page 8 of the printed bill, as amended, strike out lines 24 to 33, inclusive.

Amendment No. 5

On page 9 of the printed bill, as amended, strike out lines 14 and 15, inclusive.

Amendment No. 6

On page 9 of the printed bill, as amended, strike out lines 22 to 50, inclusive; and on page 10, strike out lines 2 to 4, inclusive, and insert

"An emergency exists in the United States and the State of California in protecting the lives of the citizens within the State and in the protection of both public and private property from enemies from within and without the Country. The National Guard which has heretofore been available to this State as an organization for such purposes has been called into the service of the United States, and many units of the State Guard have been called into the service of the State. It is therefore necessary that steps be taken to provide for the proper equipment, support, and maintenance of the State Guard to take place of the National Guard and to enable the State Guard effectively to protect the lives and property of citizens and the State. It is therefore necessary that this act take effect immediately."

Amendments read.

Demand for Previous Question

Messrs. Collins, Sam L., Turner, Waters, Poulson and Hastain demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments to Assembly Bill No. 38.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Del Mutolo, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Maloney, Massion, Meehan, Middough, O'Day, Pelletier, Poole, Richie, Robertson, Russell, Tenney, Thomas, Voigt, and Welch—32.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lyon, McCollister, Miller, Millington, Pfaff, Phillips, Potter, Poulson, Salsman, Sawallisch, Sheridan, Stream, Thorp, Thurman, Turner, Waters, Weber, Weybret, Wollenberg, and Mr. Speaker—37.

Consideration of Urgency Clause to Assembly Bill No. 38

Urgency clause read.

Demand for Previous Question

Messrs. Collins, Sam L., Waters, Call, Robertson and Dickey demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the urgency clause to Assembly Bill No. 38.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. F. N. Howser moved a call of the Assembly.

Motion carried. Time, 10.10 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT****MESSAGES FROM THE SENATE**

SENATE CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused adoption to:

Assembly Concurrent Resolution No. 36

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 37

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 81

Resolved, That each and every officer, attache and employee of this Assembly is hereby stricken from the pay roll upon completion of work at the end of the day of January 21, 1942, save and except the following:

Chief Clerk.....	Arthur A. Obnimus
Assistant Chief Clerk.....	Frank Reed
Minute Clerk.....	C. William Queale
Sergeant-at-Arms.....	Wilkie Ogg
Chaplain.....	Rev. Thomas H. Markham
Engrossing and Enrolling Clerk.....	Charles Robbins
Assistant Clerk.....	Harold Lewright
Assistant Clerk.....	Juanita Dependener
Assistant Clerk.....	Nina Ronstadt
Assistant Clerk.....	Irene Mosher
Chief Page.....	William Coffman
Assistant Sergeant-at-Arms.....	Michael Connolly
Assistant Sergeant-at-Arms.....	Richard Desmond
Assistant Sergeant-at-Arms.....	Edwin Nathan
Assistant Clerk.....	Marion Hendricks

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 81, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 38

At 10.35 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 38 refused adoption by the following vote:

AYES—Bashore, Burns, Hugh M., Burns, Michael J., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Doyle, Field, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, T. Fenton, Leonard, Lyon, Maloney, McCollister, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Salsman, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—45.

NOES—Andreas, Burkhalter, Cain, Collins, George D., Crowley, Del Muto, Dills, Donnelly, Evans, Gaffney, Gunlock, Hawkins, Heisinger, Kilpatrick, King, Lowrey, Massion, Meehan, O'Day, Richie, Robertson, Russell, Tenney, and Thomas—24.

Explanations of Vote

I have voted for this bill as it appears now no compromise can be reached on a proper State Guard Bill.

This stop gap appropriation will tide the present State Guard over a period in which the Federal Government through legislation may set up a Federal Guard System—this type of legislation is now before Congress.

MICHAEL J. BURNS

The undersigned voted against the passage of Assembly Bill No. 38, as amended, for the following reasons:

We believe that the Legislature should NOT attempt to rearrange or reconstruct the already completed State Guard organization machinery—

Because that machinery, specifically designed to handle all possible wartime contingencies in this all-important production-for-defense State, has been set up by experienced and competent Military authorities.

Because its present structure should be retained in so far as the State Legislature is concerned. Deletion of a single defense unit, cancellation of a single department, would undermine and weaken the machinery as a whole and deprive the citizens of this State and the Nationally important war industries located here of the complete protection they must have.

Leading Military experts have repeatedly pointed out that the California State Guard is designed to afford maximum protection to strategic areas throughout the State.

All organization plans were made with this aim in mind.

Now is no time for political tinkering in a Military matter.

Let the Military experts handle the Military organization.

Our sole duty is to make an adequate appropriation for the effective operation of the State Guard. Assembly Bill No. 38 hamstring the State Guard and establishes merely a night watchman organization.

The above expresses also the official stand of the veterans' organizations of California, particularly the American Legion and the Veterans of Foreign Wars.

We favor passage of Senate Bill No. 2.

WM I. GUNLOCK
HUGH P. DONNELLY
S. L. HEISINGER
H. P. MEEHAN
EDWARD F. O'DAY
VINCENT THOMAS
PAUL A. RICHIE
VERNON KILPATRICK
RALPH C. DILLS
JOHN EDWARD CAIN

GEORGE D. COLLINS, JR.
JACK MASSION
EDWARD M. GAFFNEY
EVERETT G. BURKHALTER
JOHN W. EVANS
JACK B. TENNEY
M. G. DEL MUTOLO
CECIL R. KING
FRANK C. RUSSELL

**NOTICE OF MOTION TO RECONSIDER ASSEMBLY BILL
NO. 73 CONTINUED**

By unanimous consent, the consideration of notice of motion to reconsider Assembly Bill No. 73 was continued until the next legislative day.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL
NO. 75 CONTINUED**

By unanimous consent, the notice of motion to withdraw Assembly Bill No. 75 from committee was continued until the next legislative day.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 76
CONTINUED**

By unanimous consent, the notice of motion to withdraw Assembly Bill No. 76 from committee was continued until the next legislative day.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Pfaff, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Jack Catherill of Los Angeles.

On request of Mr. Tenney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Former Assemblyman Sam M. Greene and Mr. and Mrs. John R. Hunt of Los Angeles.

On request of Mr. Lowrey, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. W. E. Beat of Glenn.

On request of Messrs. Kellems and Doyle, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Dr. and Mrs. Homer Flint Kellems of Simcoan Springs, Arkansas.

On request of Mr. Field, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Elwood Ingledue of Glendale.

On request of Mr. Hugh M. Burns, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Lou Small of Los Angeles.

On request of Mr. Robertson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Buell Hammett of Santa Barbara.

ADJOURNMENT

At 10.36 p.m., on motion of Mr. Lyon, the Speaker declared the Assembly adjourned until 10.30 a.m., Thursday, January 22, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (FIRST EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY
THIRTY-FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, January 22, 1942

The Assembly met at 10.30 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—69.

Quorum present.

PRAYER

Upon invitation of the Speaker, prayer was offered by Jesse Randolph Kellems.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Leonard.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day:

Mr. Desmond, on motion of Mr. Cain.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 79

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

LYON, Chairman

Above reported resolution ordered on file.

RECESS

At 10.35 a.m., on motion of Mr. Lyon, the Assembly recessed until 10.40 a.m.

REASSEMBLED

At 10.40 a.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

RESOLUTIONS

The following resolution was offered:

By Messrs. Poulson, Collins, Sam L., and Carlson:

House Resolution No. 82

Relative to the birth of Frank Joseph Michael Waters

WHEREAS, It is an ancient and time honored proverb that "still waters run deep" (and, as an aside, we might remark also that, in the Assembly at least, they run pretty high); and

WHEREAS, The truth of this old adage is illustrated once again in the fact that not until this late date has this Assembly been made generally aware of the blessed event that struck our lanky Colleague, Frank J. Waters, near the end of last year; and

WHEREAS, To be specific, it was on the twenty-seventh day of November, 1941, the Republicans' Thanksgiving Day, that Frank Joseph Michael Waters made his bow upon this worldly stage, all 11 pounds of him, which is eminently fitting for a monicker like that should carry a lot of weight; and

WHEREAS, This Assembly is greatly overjoyed that on the day in question at least one Republican had something to be thankful for; now, therefore, be it

Resolved by the Assembly of the State of California, That this Assembly congratulates Mr. and Mrs. Frank J. Waters on their acquisition of Frank Joseph Michael Waters and commiserate with the poor lad on the handle that he will have to carry through his school days; and be it further

Resolved, That the Chief Clerk of the Assembly transmit to Frank, Jr., a suitably prepared copy of this evidence of the Assembly's joy at his coming into this world.

Request for Unanimous Consent

Mr. Poulson asked for, and was granted, unanimous consent to take up House Resolution No. 82, at this time, without reference to committee.

Resolution read and adopted unanimously.

COMMUNICATIONS

The following communications were received, read, and ordered printed in the Journal:

OAKLAND, CALIFORNIA, January 19, 1942

Gordon Garland, Speaker
House Chamber

Note in January 17th issue Senate Journal letter from Vandegrift, Legislative Auditor, recommending that, "limitation be placed in Emergency Fund so that no money may be spent from it for Fire Marshal or under direct Fire Marshal safety for the reasons that there is a balance in the State fund used to support his office." Please be advised that this special fund used to support his office is paid entirely by the dry cleaning industry and faces a drastic reduction in current incidentals due to priorities, war conditions and the great number of Japs in our industry. We also face increased necessities for more strict policing of the industry itself. We therefore strenuously protest against Vandegrift recommendation believing that the vital war work done by the State Fire Marshal for the protection of all the people must go on and should be paid for from the General Fund of the State and not by a single industry. Would appreciate your having this completely printed in your Journal.

CALIFORNIA DRY CLEANERS ASSOCIATION

J. W. MUSSELMAN, Secretary

OAKLAND BASEBALL CLUB, January 21, 1942

*Mr. Arthur A. Ohninus, Chief Clerk, Assembly
California Legislature, Sacramento, California*

DEAR MR. OHNINUS: We are in receipt of the Assembly Journal of January 15th with reference made to the resolution passed pertaining to the continuance of baseball.

We want to take this opportunity of thanking you and all Assemblymen that supported this resolution. It is very much appreciated by our club and every club in the league.

With best regards, we are

Yours very truly,

OAKLAND BASEBALL CLUB
By V. A. DEVINCENZI

The following communication was received, read, and on motion of Mr. Gaffney, ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 22, 1942

*Mr. and Mrs. Salvador R. Ruiz
93 Lucy Street, San Francisco, California*

MY DEAR MR. AND MRS. RUIZ: Please accept my sincere and heartfelt sympathy for the loss of your son, Peter Roy Ruiz. I hope that you can find consolation in the realization that he died for his Country while guarding the lives and property of his fellow citizens from destruction by a dangerous and ruthless enemy.

In bravely and unselfishly giving his young life in defense of those great principles of liberty and democracy, for which our Nation stands, Private Peter Roy Ruiz, Company H, 1st Regiment, California State Guard, has left us all a heritage valuable beyond words.

May I again, for myself and for all the people of California, express our profound regret at your son's death and our pride in him as a courageous soldier, who died in the service of his Country.

Sincerely,
(Signed)

CULBERT L. OLSON
Governor of California

The following communication was received, read, and on motion of Mr. Weber, ordered printed in the Journal:

STOCKTON, CALIFORNIA, January 19, 1942

*His Excellency Culbert L. Olson
Governor, State of California, Sacramento, California*

DEAR GOVERNOR OLSON: The undersigned is a citizen of the United States and a resident of Stockton and employed by a large corporation for several years past.

I am married and my wife is wholly dependent upon me for support. We are about to move into a new home, for which we have obligated ourselves to make monthly payments. I have also a number of other obligations: Life insurance, car payments, furniture, and so forth.

Some time ago, a friend induced me to join the California State Guard, representing to me that it was entirely a matter of service in my home community. Later when I found out that there was some question about this, on account of my circumstances as above stated, I tendered my resignation.

I have already been classified under the Selective Service Act in 3-A, and I am, of course, just as patriotic as any other citizen and am willing to do whatever is required of me on an equal basis with my fellow citizens.

I am now told that my resignation will not be received and that when called to leave Stockton as a member of the Guard, unless I comply I shall be served with a warrant and thrown into jail. Of course, I do not want to be put in a public position of humiliation and a false impression given to the community, however I feel that I have certain rights as an American citizen and I ask that these rights be given to me now.

I feel that the circumstances under which I joined the State Guard should permit me an honorable resignation and not be placed in a false light. To leave my position and home at this time would leave my dependents without adequate support and would involve me in a financial situation where I could not meet my obligations. May I therefore ask for a ruling in my case at once so as to prevent an unjust hardship being visited upon me and my family.

Respectfully yours,

WOODROW L. LEAVICK

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 22, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. H. LANGSTAFF, Chief Deputy

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 79: By Mr. Lyon—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Referred to Committee on Ways and Means.

RECESS

At 3.02 p.m., on motion of Mr. Lyon, the Assembly recessed until 3.07 p.m.

REASSEMBLED

At 3.07 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Call of the Assembly

Mr. Lyon moved a call of the Assembly.

Motion carried. Time, 3.15 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

REPORTS OF STANDING COMMITTEES

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Concurrent Resolution No. 37—Relating to increases in the salaries of the assistant and deputy marshals of cities of one and one-half class; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1942, at 3 p.m.

JOHN B. KNIGHT, Chairman

MOTION TO REQUEST RETURN OF SENATE BILL NO. 36 FROM SENATE

Mr. Maloney moved that the Speaker request the Senate to return Senate Bill No. 36 for further consideration.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

Senate Concurrent Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California; And appointed Senators DeLap, Keating and Parkman, as a Committee on Conference to meet a like committee from the Assembly.

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
SENATE CONCURRENT RESOLUTION NO. 20

The Speaker announced the appointment of Messrs. Call, Houser, Frederick F., and Bashore as a Committee on Conference concerning Senate Concurrent Resolution No. 20.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Pursuant to the request of your honorable body I am returning herewith:

Senate Bill No. 36

J. A. BEEK, Secretary of the Senate

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

On motion of Mr. Maloney, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Bill No. 36.

MOTION TO EXPUNGE RECORD AND RESCIND ACTION
ON SENATE BILL NO. 36

Mr. Maloney moved to expunge the record, and rescind the action whereby Senate Bill No. 36 was refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Mid-dough, Miller, Millington, O'Day, Pelletier, Pfaff, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—Frederick F. Houser—1.

FURTHER CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Mr. Maloney moved the adoption of the following amendment:

Amendment No. 1

On page 5, line 4, of the printed bill, strike out "5,000", and insert "7,000".

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—Houser, Frederick F., and Knight, T. Fenton—2.

Bill ordered reprinted, and to third reading.

COMMUNICATIONS

The following communication was received, and ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, January 22, 1942

Hon. Thomas J. Doyle

Assemblyman, Forty-fifth District, State Capitol

Members of your Post 1006, Veterans of Foreign Wars, assure you that we have confidence in your judgment on State Guard Bill.

JESSE B. FISHER, Adjutant

The following communication from the Legislative Counsel Bureau was received, read, and ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, January 22, 1942

Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly

Assembly Chamber, Sacramento, California

DEAR MR. OHNIMUS: We have examined a measure entitled:

"An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation.

Yours very truly,

FRED B. WOOD, Legislative Counsel

By C. H. LANGSTAFF, Chief Deputy

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 80: By Mr. Bashore—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Without reference to committee.

FURTHER CONSIDERATION OF SENATE BILL NO. 36

Senate Bill No. 36—An act to amend Sections 555 and 556.1 of the Military and Veterans Code and to add Sections 555.2, 555.5, 555.6, 556.3 and 556.4 thereto, relating to the State Guard, providing for the pay, privileges, allowances and rights of the State Guard, for the

organization and administration of the State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school buses available for use by the State Guard, making an appropriation for the operation, maintenance and organization of the State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—65.

NOES—Dills, and Tenney—2.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Heisinger, Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.

NOES—Bashore, Dills, Hawkins, Houser, Frederick F., and Tenney—5.

Bill ordered transmitted to the Senate.

Explanations of Vote

We voted "No" on final passage of Senate Bill No. 36 for the reasons previously given when this bill was before us and as set forth on page 404 of the Journal. The amendment adopted does not change the bill nor remove the objections heretofore stated.

JACK B. TENNEY
RALPH C. DILLS

The State Guard is now organized under Federal regulations but needs money to properly function.

This bill seems to be the final compromise to obtain an appropriation for the State Guard to protect California's citizens and their properties.

We must not adjourn without favorable action; therefore, my aye vote.

S. L. HEISINGER

We, the undersigned, are not satisfied with Senate Bill No. 36, since it attempts to interfere with the present organization of the State Guard, a very efficient body of men. However, we believe it is the best bill that can secure a sufficient number of votes to pass the Legislature as now constituted.

GEORGE D. COLLINS, JR.
EDWARD M. GAFFNEY

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: The Committee on Conference concerning:

Senate Concurring Resolution No. 20—Relative to a recess of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill be further amended as follows:

Amendment No. 1

On page 1 of the printed measure, as amended in Assembly January 21, 1942, strike out line 5, and insert "recess at 6 o'clock p.m., on the twenty-second day of Janu-".

Amendment No. 2

On page 1, line 16, of the printed measure, as amended, strike out the period, and insert "; provided, however, that the President pro tempore of the Senate shall not exercise this authority nor join in such a call unless assent thereto is given by a majority of the members of the Senate Committee on Rules."

DE LAP
PARKMAN
KEATING

Senate Committee on Conference

CALL
HOUSER, FREDERICK F.
BASHORE

Assembly Committee on Conference

The roll was called, and the report refused adoption by the following vote:

AYES—Bashore, Burns, Hugh M., Call, Collins, Sam L., Dickey, Evans, Hastain, Houser, Frederick F., Knight, T. Fenton; Leonard, McCollister, Sawallisch, Sheridan, Voigt, Waters, Weher, and Mr. Speaker—17.

NOES—Andreas, Burkhalter, Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hawkins, Heisinger, Howser, F. N., Johnson, Kelless, Kepple, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Stream, Thomas, Thorp, Thurman, Welch, Weybret, and Wollenberg—50.

Senate Concurrent Resolution No. 20 ordered to Second Conference Committee.

APPOINTMENT OF SECOND COMMITTEE ON CONFERENCE CONCERNING SENATE CONCURRENT RESOLUTION NO. 20

The Speaker announced the appointment of Messrs. Burns, Hugh M., Evans and Cain as a Second Committee on Conference concerning Senate Concurrent Resolution No. 20.

COMMUNICATIONS

The following communication was received, read, and on motion of Mr. Burkhalter, ordered printed in the Journal:

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
LOS ANGELES, CALIFORNIA, January 21, 1942

FILE No. 7

SUBJECT: Burbank-Western System

*Mr. Arthur A. Ohnimus, Chief Clerk, California State Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR SIR: We wish to acknowledge receipt of your letter of January 17, 1942, transmitting copy of Assembly Joint Resolution No. 16 which, in effect, petitions the Engineering Corps of the United States Army and the Los Angeles County Flood Control authorities to take such steps as may be necessary to prevent cessation of operations of the Lockheed Aircraft Plant in Burbank due to flood conditions.

For your information we wish to advise that on December 22, 1941, an allotment of \$1,830,000 was approved by the Secretary of War for this project following appropriation of this amount by Congress. The Los Angeles County Flood Control District had previously allotted sums exceeding \$200,000 toward the project, and the City of Burbank will also contribute to it.

Completion of the project and relief of the drainage situation at the Lockheed Plant is therefore assured with the exception of an appropriation needed from the California State Highway Commission of \$45,000 for the construction of a bridge over this flood channel at Alameda Avenue in Burbank. This matter will be before the Highway Commission at its meeting in Sacramento on January 23, 1942.

Yours very truly,

H. E. HEDGER, Chief Engineer

RESOLUTIONS

The following resolution was offered:

By Messrs. Burkhalter and Field:

House Resolution No. 83

Relative to requesting the State Highway Commission to take favorable action upon an appropriation for the construction of a bridge at Alameda Avenue in Burbank

WHEREAS, The Legislature of the State of California adopted Assembly Joint Resolution No. 16, requesting the Engineering Corps of the United States Army and the Los Angeles County Flood Control Authorities to take such steps as may be necessary to prevent cessation of operations of the Lockheed Aircraft Plant in Burbank due to flood conditions; and

WHEREAS, The Legislature is informed that on December 22, 1941, an allotment of one million eight hundred thirty thousand dollars (\$1,830,000) was approved by the Secretary of War for this project, and that the Los Angeles County Flood Control District had previously allotted funds exceeding two hundred thousand dollars (\$200,000) toward the project, and that the City of Burbank will also contribute thereto; and

WHEREAS, Completion of the project and release of the drainage situation at the Lockheed plant is assured, if an allocation of forty-five thousand dollars (\$45,000) is made by the California State Highway Commission for the construction of a bridge over the flood channel at Alameda Avenue in Burbank, and this matter is to be considered by the State Highway Commission at a meeting in Sacramento on January 23, 1942; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Highway Commission is hereby requested to give careful and favorable consideration to the matter of allocating forty-five thousand dollars (\$45,000) for the construction of a bridge over the flood channel of Alameda Avenue in Burbank, to the end that all necessary steps may be taken to prevent the cessation of operations of the Lockheed Aircraft Plant in Burbank because of flood conditions; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the members of the California Highway Commission in Sacramento as soon as possible.

Resolution read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 83

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

(Signed out)

LYON, Chairman	CALL
FIELD	MILLINGTON
VOIGT	GARLAND
JOHNSON	BURNS, HUGH M.

REQUEST FOR UNANIMOUS CONSENT

Mr. Burkhalter asked for, and was granted, unanimous consent to take up House Resolution No. 83, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 83

House Resolution No. 83—Relative to requesting the State Highway Commission to take favorable action upon an appropriation for the construction of a bridge at Alameda Avenue in Burbank.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney,

Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 79

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Bill No. 79, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 79

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Lyon:

Resolved, That Assembly Bill No. 79 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read second time.

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Dickey, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—67.

NOES—None.

Bill ordered transmitted to the Senate.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. O'Day moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 62, at this time.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Michael J., Cain, Collins, George D., Crowley, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Kilpatrick, King, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, O'Day, Pelletier, Poole, Potter, Poulson, Richie, Robertson, Russell, Tenney, Thomas, Thurman, Weber, Welch, and Wollenberg—37.

NOES—Burns, Hugh M., Call, Carlson, Clarke, Collins, Sam L., Daley, Dickey, Dilworth, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Knight, T. Fenton; Leonard, Lyon, Miller, Millington, Salsman, Sawallisch, Stream, Thorp, Weybret, and Mr. Speaker—25.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Field moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 7, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Hastain, Howser, F. N., Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Poole, Poulson, Robertson, Salsman, Sawallisch, Stream, Tenney, Thurman, Waters, Weber, Welch, Wollenberg, and Mr. Speaker—49.

NOES—Call, Carlson, Dickey, Hawkins, Heisinger, Houser, Frederick F., Johnson, Potter, Richie, Russell, Sheridan, and Weybret—12.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 7—An act making an appropriation for an armory at the City of Glendale.

Bill read third time.

Urgency Clause

Urgency clause read.

Demand for Previous Question

Messrs. Andreas, Potter, Dilworth, Evans and Hawkins demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the urgency clause to Assembly Bill No. 7.

The roll was called, and urgency clause refused adoption by the following vote:

AYES—Burkhalter, Burns, Michael J., Collins, Sam L., Crowley, Dilworth, Doyle, Evans, Field, Gaffney, Hastain, Howser, F. N., Kellems, King, Leonard,

Lowrey, Lyon, Maloney, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Poole, Poulson, Robertson, Salsman, Stream, Tenney, Thurman, Weber, Welch, Weybret, and Mr. Speaker—34.

NOES—Andreas, Bashore, Burns, Hugh M., Cain, Call, Carlson, Clarke, Daley, Dickey, Dills, Donnelly, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kepple, Kilpatrick, Knight, T. Fenton; Massion, McCollister, Pelletier, Potter, Richie, Russell, Sawallisch, Sheridan, Thomas, Thorp, and Wollenberg—30.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Bashore moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 80, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

CONSIDERATION OF ASSEMBLY BILL NO. 80

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Bashore:

Resolved, That Assembly Bill No. 80 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 80—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Waters, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Bill ordered transmitted to the Senate.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following resolution was offered:

Assembly Concurrent Resolution No. 38: By Mr. Lyon—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the California Legislature.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 38, at this time, without reference to committee, print or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 38

Assembly Concurrent Resolution No. 38—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the California Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Crowley, Daley, Dills, Dilworth, Donnelly, Doyle, Field, Gaffney, Gunlock, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Kilpatrick, King, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Thomas, Thurman, Weber, Welch, Weybret, and Wollenberg—49.

NOES—Andreas, Bashore, Call, Collins, Sam L., Dickey, Evans, Hastain, Knight, T. Fenton; Leonard, McCollister, Sheridan, and Mr. Speaker—12.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 36

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 21

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 21—Relating to the refund of sales tax.

Temporary Suspension of Assembly Rule No. 33

On motion of Mr. Dills, Assembly Rule No. 33 was temporarily suspended by unanimous consent to allow the placing of call of the Assembly on Senate Concurrent Resolution No. 21.

Request for Unanimous Consent

Mr. Dills asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 21, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 21

Senate Concurrent Resolution No. 21—Relating to the refund of sales tax.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Dabey, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, T. Panton, Leonard, Lowrey, Lyon, Madoney, Massion, McCollister, Mehan, Mibbough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Porter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Voigt, Waters, Weiner, Welch, Weybret, and Wollenberg—64.

NOES—None.

Resolution ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON QUORUM CALL

At 5.30 p.m., on motion of Mr. Lyon, further proceedings under the call of the Assembly were dispensed with.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 22

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 22—Relating to sale prices and containers of milk.

Request for Unanimous Consent

Mr. Dills asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 22, at this time, without reference to committee, print or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 22

Senate Concurrent Resolution No. 22—Relating to sale prices and containers of milk.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Cain, Call, Clarke, Collins, George D., Collins, Sam L., Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thurman, Weber, Welch, Wollenberg, and Mr. Speaker—53.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 84

Resolved, That each and every officer, attache and employee of this Assembly is hereby stricken from the pay roll upon completion of work at the end of the day of January 22, 1942, save and except those who will be certified to the Controller upon a weekly pay roll pursuant to House Resolution No. 65 adopted by the Assembly on January 16, 1942.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 84, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Poole, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thurman, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—None.

By Mr. Lyon:

House Resolution No. 85

Resolved, That the Speaker appoint a Committee of Three to wait upon the Senate and inform it that the Assembly has concluded its labors and ask if it has any further message to deliver to this body.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 85, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to provisions of House Resolution No. 85, the Speaker announced the appointment of Messrs. Wollenberg, King and Russell as a Special Committee to inform the Senate that the Assembly was now ready to adjourn the Fifty-fourth (First Extraordinary) Session of the Legislature.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 86

Resolved, That the Speaker appoint a Committee of Five to wait upon His Excellency, the Governor of the State of California, and inform him that the Assembly has concluded its labors, is ready to recess, and awaits his further pleasure.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 86, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to provisions of House Resolution No. 86, the Speaker appointed Messrs. Hastain, Middough, Field, Kepple and Lowrey as a Special Committee to inform the Governor that the Assembly was now ready to adjourn the Fifty-fourth (First Extraordinary) Session of the Legislature.

RESOLUTIONS

The following resolution was offered:

By Messrs. Meehan and King:

House Resolution No. 87

Relative to the coming nuptials of Miss Rose Racich and Lieutenant Carl Barton

WHEREAS, We are informed that Miss Rose Racich, formerly an attache of this Assembly, and presently Secretary in the office of the Governor, has made public her intention to leave California on March 1, 1942, and to become the bride of Lieutenant Carl Barton of the United States Air Corps; and

WHEREAS, The Members of the Assembly regret exceedingly to have Miss Racich leave the service of the State and the boundaries of this State, but rejoice in the future happiness of so charming a young lady and so gallant a bridegroom; and

WHEREAS, The Members of the Assembly do heartily commend Miss Racich for her activity in so contributing to the happiness and morale of the armed forces of the United States, and do hereby urge her to "Keep 'em Flying"; now, therefore, be it

Resolved by the Assembly of the State of California, That Members of the Legislature do hereby extend to Miss Racich and to Lieutenant Carl Barton their very best wishes for a long and happy married life, and all the rewards of their past and present service to the State and Nation; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to Miss Racich and to Lieutenant Carl Barton.

Request for Unanimous Consent

Mr. Meehan asked for, and was granted, unanimous consent to take up House Resolution No. 87, at this time, without reference to committee.

Resolution read and adopted unanimously.

COMMUNICATIONS

The following communications were received, read, and ordered printed in the Journal:

SANTA BARBARA, CALIFORNIA, January 21, 1942

Members of the California State Assembly

Attention: Speaker of the House, Sacramento, California

What do you suppose the members of the French Assembly, those that are still alive, are thinking about today? I promise you the women of this State will judge you before their tribunal if harm comes to our State through your selfishness and petty politics.

MRS. DAVID CRAIG

PETALUMA, CALIFORNIA, January 21, 1942

California State Assembly

Assembly Chamber, State Capitol

Gentlemen: I respectfully urge you to make necessary appropriation for California State Guard thereby guaranteeing protection against saboteurs and helping in State defense. Local company very efficient, enthusiastic and loyal. Remember Pearl Harbor, let us be prepared.

CLIFFORD B. MURPHY, Citizen-Businessman
Member Company D, California State Guard

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 79

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

COMMITTEE FROM THE SENATE

A Committee from the Senate, consisting of Senators Mayo, Luckey and Ward, appeared before the bar of the Assembly and informed the Assembly that the Senate had concluded its labors and was now ready to adjourn the Fifty-fourth (First Extraordinary) Session of the Legislature.

COMMUNICATIONS

The following communication was received, read, and on motion of Mrs. Daley, ordered printed in the Journal:

DEL MAR, SAN DIEGO, CALIFORNIA, January 19, 1942

Hon. Jeanette Daley, Assembly Chamber

State Capitol, Sacramento, California

Urgently request your support of Senate Bill No. 2 without amendment. Please telegraph reply collect.

BOARD OF DIRECTORS 22ND DISTRICT AGRICULTURAL
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Motion to Refer Communication to Committee

Mrs. Daley moved that the above communication be referred to the Interim Committee on Governmental Efficiency and Economy.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Assembly Bill No. 80

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 38

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

Above resolution ordered enrolled.

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Governor, reported that it has performed its duty.

The Special Committee appointed to wait upon the Senate, reported that it has performed its duty.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 2	Assembly Bill No. 39
Assembly Bill No. 5	Assembly Bill No. 40
Assembly Bill No. 10	Assembly Bill No. 50
Assembly Bill No. 14	Assembly Bill No. 51
Assembly Bill No. 16	Assembly Bill No. 53
Assembly Bill No. 17	Assembly Bill No. 54
Assembly Bill No. 19	Assembly Bill No. 57
Assembly Bill No. 20	Assembly Bill No. 58
Assembly Bill No. 21	Assembly Bill No. 59
Assembly Bill No. 22	Assembly Bill No. 60
Assembly Bill No. 23	Assembly Bill No. 64
Assembly Bill No. 24	Assembly Bill No. 65
Assembly Bill No. 25	Assembly Bill No. 66
Assembly Bill No. 27	Assembly Bill No. 67
Assembly Bill No. 28	Assembly Bill No. 69
Assembly Bill No. 31	Assembly Bill No. 70
Assembly Bill No. 32	Assembly Bill No. 75
Assembly Bill No. 37	Assembly Bill No. 76

Respectfully reports the same back without further action.

MILLINGTON, Chairman

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which were referred:

Assembly Bill No. 3	Assembly Bill No. 12
Assembly Bill No. 6	Assembly Bill No. 15
Assembly Bill No. 9	Assembly Bill No. 30
Assembly Bill No. 11	

Respectfully reports the same back without further action.

MILLINGTON, Chairman

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Senate Bill No. 2	Senate Bill No. 12
Senate Bill No. 5	Senate Bill No. 13
Senate Bill No. 6	Senate Bill No. 30
Senate Bill No. 7	

Respectfully reports the same back without further action.

MILLINGTON, Chairman

Above reported bills ordered transmitted to the Senate.

Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Joint Committee on Ways and Means, Governmental Efficiency and Economy, and Military Affairs, to which were referred:

Senate Bill No. 4	Senate Bill No. 19
Senate Bill No. 8	Senate Bill No. 23
Senate Bill No. 15	Senate Bill No. 25
Senate Bill No. 16	Senate Bill No. 26
Senate Bill No. 17	Senate Bill No. 27
Senate Bill No. 18	

Respectfully reports the same back without further action.

MILLINGTON, Chairman

Above reported bills ordered transmitted to the Senate.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Bill No. 13	Assembly Joint Resolution No. 12
Assembly Bill No. 29	House Resolution No. 17
Assembly Bill No. 77	House Resolution No. 31
Assembly Concurrent Resolution No. 8	House Resolution No. 37
Assembly Concurrent Resolution No. 12	House Resolution No. 56
Assembly Concurrent Resolution No. 16	House Resolution No. 61
Assembly Concurrent Resolution No. 23	House Resolution No. 68
Assembly Concurrent Resolution No. 32	House Resolution No. 69
Assembly Joint Resolution No. 7	House Resolution No. 71
Assembly Joint Resolution No. 9	House Resolution No. 73

Respectfully reports the same back without further action.

LYON, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 7
Senate Joint Resolution No. 3
Senate Joint Resolution No. 7
Senate Joint Resolution No. 8

Respectfully reports the same back without further action.

LYON, Chairman

Above reported resolutions ordered transmitted to the Senate.

Committee on Engrossment and Enrollment

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 79—An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately;**Assembly Bill No. 80**—An act augmenting the appropriation to the Emergency Fund to provide money for the support of the Legislative Counsel Bureau, and providing that this act shall take effect immediately;**Assembly Concurrent Resolution No. 38**—Relative to adjournment sine die of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1942, at 5.45 p.m.

JOHN B. KNIGHT, Chairman

MOTION TO APPROVE JOURNALS

On motion of Mr. Lyon, the Journals for January 12, 1942; January 13, 1942; January 14, 1942; January 15, 1942; January 16, 1942; January 17, 1942; January 18, 1942; January 19, 1942; January 20, 1942; January 21, 1942; and January 22, 1942, were approved as corrected by the Minute Clerk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns the following without further action:

Assembly Joint Resolution No. 14
Assembly Joint Resolution No. 15
Assembly Joint Resolution No. 19
Assembly Joint Resolution No. 24
Assembly Concurrent Resolution No. 14
Assembly Concurrent Resolution No. 18
Assembly Concurrent Resolution No. 22
Assembly Concurrent Resolution No. 26
Assembly Concurrent Resolution No. 31

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 22, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns the following without further action:

Assembly Bill No. 45
Assembly Bill No. 63

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Dills, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Marjorie Billings of San Francisco.

ADJOURNMENT SINE DIE

At 6 o'clock p.m., January 22, 1942, in accordance with Senate Concurrent Resolution No. 20, the Hon. Gordon H. Garland, Speaker of the Assembly, announced that the time for final adjournment of the Fifty-fourth (First Extraordinary) Session of the Legislature of the State of California had arrived, and declared the Assembly adjourned sine die.

C. WILLIAM QUEALE, Minute Clerk

RECAPITULATION OF ASSEMBLY MEASURES



ASSEMBLY BILLS APPROVED BY GOVERNOR, CHAPTERED AND FILED WITH THE SECRETARY OF STATE

A. B. Number	Chapter	Author	Subject of Title	Approved by Governor
4	3	McCollister	Relating to the State Guard	Jan. 2
8	4	Pfaff	Relating to the State Guard	Jan. 2
26	5	Sawallisch, et al.	Relating to the State Guard	Jan. 2
33	22	Miller	Relating to the Public School System	Feb. 10
34	21	Miller	Relating to the Public School System	Feb. 10
35	6	Weybret	Appropriation to the California Polytechnic School	Jan. 28
36	7	Desmond, et al.	Appropriation to the Division of Forestry	Jan. 28
41	8	Millington, et al.	Appropriation to the Parole Department	Jan. 28
42	9	Millington, et al.	Appropriation to the Special Emergency Fund for State Institutions	Jan. 28
43	10	Millington, et al.	Appropriation to the Division of Criminal Identification	Jan. 28
44	11	Millington, et al.	Appropriation to the Emergency Fund	Jan. 28
47	12	Millington, et al.	Appropriation to the Bureau of Vital Statistics	Jan. 28
48	13	Millington, et al.	Appropriation to the Division of Beaches and Parks	Jan. 28
49	20	Millington, et al.	Appropriation to the Division of Mines	Feb. 10
55	18	Bashore	Appropriation for the State Controller	Jan. 31
56	25	Poulson	Appropriation for the State Controller	Feb. 24
*61	34	Lyon	Contingent Expenses of Assembly	Feb. 12
78	14	Millington	Appropriation for Expenses of Assembly	Jan. 28
79	15	Lyon	Appropriation for legislative printing	Jan. 28
80	16	Bashore	Appropriation for the Legislative Counsel Bureau	Jan. 28
Total				20

* Approved with reductions.

CHAPTER NUMBERS OF ASSEMBLY BILLS APPROVED BY THE GOVERNOR

Chapter number	Assembly bill number	Chapter number	Assembly bill number	Chapter number	Assembly bill number
3	4	10	43	18	55
4	8	11	44	20	49
5	26	12	47	21	34
6	35	13	48	22	33
7	36	14	78	25	56
8	41	15	79	34	*61
9	42	16	80		

* Approved with reductions.

ASSEMBLY BILLS POCKET VETOED BY THE GOVERNOR

18, 46, 68.

Total_____3

ASSEMBLY BILLS DIED ON ASSEMBLY FILE

1, 52, 62, 71, 72, 73, 74.

Total_____7

ASSEMBLY BILLS URGENCY CLAUSE REFUSED ADOPTION

7, 38.

Total_____2

ASSEMBLY CONCURRENT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
1	7	Doyle	Punishment for felonies	Dec. 22
2	6	Carlson, et al.	Relative to death of Assemblyman James M. Cassidy	Dec. 22
3	8	Gallagher, et al.	Ratifying amendments to City and County of San Francisco	Dec. 22
4	9	Sawallisch, et al.	Relating to the State Guard	Dec. 22
5	10	Lyon	Commending Fred E. Stewart	Dec. 22
6	11	Maloney, et al.	Relative to death of Captain Colin P. Kelly, Jr.	Dec. 22
7	12	Burns, Hugh M.	Adjournment, respect to the memory of Morris Bedford Harris	Dec. 22
9	15	Doyle	Legislative Publications	Dec. 22
10	16	Howser, F. N., et al.	Early closing of retail establishments	Dec. 22
11	17	Desmond	Holding of State Fair in 1942	Dec. 22
13	18	Johnson, et al.	Revocation of certain paroles	Dec. 22
15	28	Lyon	Recess of Fifty-fourth (Extraordinary) Session	Dec. 24
17	23	Desmond	Adjournment, respect to memory of Myrtle Venelia Murray	Dec. 22
19	30	Lyon	Relative to Joint Budget Committee	Dec. 24
20	31	McCollister	Ratifying amendments to City of Petaluma	Jan. 14
21	37	Evans, et al.	Self-help cooperatives	Jan. 16
24	50	Voigt, et al.	Temporary four-lane highways	Jan. 19
25	43	Desmond, et al.	Adjournment, respect to memory of Hon. John F. Pullen	Jan. 17
27	46	Middough	Acquisition and use of beaches	Jan. 18
28	53	O'Day	Rolls of honor of State employees	Jan. 20
29	54	Daley, et al.	Claiming of property taxation exemptions by veterans	Jan. 20
30	58	Daley, et al.	Manner of claiming veterans' exemptions	Jan. 22
33	55	Lyon	Funds for Joint Legislative committee	Jan. 20
37	59	Dills	Increases in salaries of assistant and deputy marshals	Jan. 22
38	60	Lyon	Adjournment sine die	Jan. 22
Total			25	

ASSEMBLY CONCURRENT RESOLUTIONS TABLED IN ASSEMBLY

34.

Total.....1

ASSEMBLY JOINT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
1	13	Welch, et al.	Re civilian defense facilities	Dec. 22
2	14	Bashore	Continuation of sporting events	Dec. 22
3	19	Hawkins	Utilization of skills and resources, irrespective of race or color	Dec. 22
4	20	Weber, et al.	Priorities for farm machinery	Dec. 22
5	21	Heisinger, et al.	Fitness of highways for military purposes	Dec. 22
6	22	Desmond, et al.	Opposing federalization of unemployment insurance	Dec. 22
8	29	Garland, et al.	Re-examination and readjustment of old-age pensions	Dec. 24
11	34	Meehan, et al.	Nondeductible income of recipients of old-age assistance	Jan. 16
16	41	Burkhalter	Stoppages of work at Lockheed Aircraft Plant	Jan. 17
17	35	Turner, et al.	Flood control on Sacramento River	Jan. 16
18	42	Thurman	Priorities in gold mining	Jan. 19
20	56	Gaffney, et al.	Permitting small incomes to certain beneficiaries	Jan. 21
21	36	Heisinger, et al.	Manpower, production and the war	Jan. 16
22	57	Desmond, et al.	Protection of retirement rights	Jan. 20
23	44	Dilworth	Completion of canal to Coachella Valley	Jan. 18
25	45	Stream, et al.	Survey of water route from Colorado River to City of San Diego	Jan. 18
Total				16

ASSEMBLY JOINT RESOLUTIONS DIED ON FILE IN ASSEMBLY

10, 13.

Total 2

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SENATE AND ASSEMBLY JOURNALS
FIFTY-FOURTH (SECOND EXTRAORDINARY) SESSION



CALIFORNIA LEGISLATURE
FIFTY-FOURTH (SECOND EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Saturday, January 17, 1942

The Senate met at 10 p.m., pursuant to the provisions of the Proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated January 17, 1942, convening the Legislature of the State of California on this day in extraordinary session.

Lieutenant-Governor Ellis E. Patterson, President of the Senate of the Fifty-fourth Session, in the chair, called the Senate to order.

Pursuant to the provisions of Section 237 of the Political Code, Joseph A. Beek, Secretary of the Senate; Robert G. Alderman, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms, were present and occupied their respective positions.

The roll was called, and the following Senators answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by Rev. H. W. Opperman, Chaplain of the Fifty-fourth Session.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the balance of the session:

Senator Waggy, on motion of Senator Rich.

Senator Hays, on motion of Senator Rich.

The following Senator was granted leave of absence for the day:

Senator Dillinger, on motion of Senator Rich.

PROCLAMATION

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened; now, therefore,

I, CULBERT L. OLSON, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State

of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session at Sacramento, California, on Saturday, the seventeenth day of January, 1942, at 10 o'clock, p.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation authorizing the City and County of San Francisco to grant to the United States of America, for the use of the Navy Department of said United States, title in fee to those tide and submerged lands heretofore granted by the State to said city and county by Chapter 912, Statutes of 1933; consenting on behalf of the State to the acquisition of said lands by the United States and reserving to the State the power of taxation and the authority to serve civil and criminal process; and conferring upon the United States the powers now had by said city and county to raise, fill, and reclaim said lands and for that purpose to dredge said lands and submerged lands adjacent thereto.

2. To consider and act upon legislation providing for wage and salary deductions for the purchase of United States savings bonds or similar obligations of the United States for public officers and employees of the State of California, counties, cities and counties, cities, municipal corporations, political subdivisions, public districts and of other public agencies of the State of California.

3. To consider and act upon legislation making county probation officers and superintendents of State correctional schools eligible to serve, without additional compensation, as members of the Youth Correction Authority.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this seventeenth day of January, A. D., 1942.

[SEAL]

CULBERT L. OLSON
Governor of California

Attest: PAUL PEEK, Secretary of State
By EDWARD H. DICKSON, Deputy

RESOLUTIONS

The following resolutions were offered:

By Senator Mixter:

Senate Resolution No. 1

Resolved, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

Resolution read, and adopted.

By Senator DeLap:

Senate Resolution No. 2

Resolved, That Wm. P. Rich be and he is hereby elected President pro tempore of the Senate; that Joseph A. Beek be and he is hereby elected Secretary of the Senate; that Joseph F. Nolan be and he is hereby elected Sergeant-at-Arms of the Senate; that Robert G. Alderman be and he is hereby elected Minute Clerk of the Senate; that Rev. H. W. Opperman be and he is hereby elected Chaplain of the Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

OATH OF OFFICE ADMINISTERED

The newly elected officers of the Senate, Senator Wm. P. Rich, President pro tempore; Joseph A. Beek, Secretary; Robert G. Alderman, Minute Clerk; Joseph F. Nolan, Sergeant-at-Arms; and Rev. H. W. Opperman, Chaplain, appeared at the bar of the Senate where the constitutional oath of office was administered to them by the Honorable Jess Hession, Deputy Attorney General of the State of California.

RESOLUTIONS

The following resolution was offered:

By Senator Rich:

Senate Resolution No. 3

Resolved, That the Standing Rules of the Senate at the Fifty-fourth Session as they appear in the official Handbook of the Legislature of that session as amended in the Senate March 11, 1941, be and the same are hereby adopted as the Rules of the Senate for this extraordinary session, except that Rule 26 be stricken out and that Rules 13, 14, 16, 24 and 47 shall read as follows:

Committee on Rules

13. The Committee on Rules is charged with the general responsibility for the administrative functioning of the Senate. The committee shall also have the duty of making recommendations designed to promote, improve and expedite the business and procedure of the Senate, and of proposing any amendments to the Rules deemed necessary to accomplish such purposes.

The Committee on Rules will constitute the Committee on Introduction of Bills and shall have charge of engrossment and enrollment of bills, contingent expenses of the Senate and legislative printing except in so far as these functions are delegated to the Secretary of the Senate, and of attaches unless a Committee on Attaches is appointed.

The rooms, passages and buildings set apart for the use of the Senate shall be under the direction of the Committee on Rules and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives.

Executive communication of nominations sent by the Governor to the Senate for their confirmation, shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, without debate.

Schedule of Committee Meetings

14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit a full attendance of their members without conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Such schedules may provide a special schedule of committee meetings or upon certain days of the week or to meet any special condition which may arise.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned shall have full power and authority, during the session of the Legislature or any recess thereof, to make such investigation and study of and concerning any such proposed law or bill as such committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this Rule, each committee may appoint a secretary and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this Rule. It may employ such clerical, legal and technical assistants as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

The members of such committees are, and each of them is, authorized and empowered to administer oaths, and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate, or other person designated by the Sergeant-at-Arms or by the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

All officers of this State, including the Legislative Counsel and the heads of each department, agency and subdivision thereof, and all employees of such departments, agencies and subdivisions, and all other persons whether connected with the State Government or not, shall give and furnish to these committees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

Each standing committee may meet at the State Capitol and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it and may expend such money as may be made available by the Senate for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Introduction of Bills

24. Whenever a bill is received at the desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules which shall decide whether or not such bill can properly be considered at this session. If in the judgment of the Committee on Rules such bill can be considered it shall report it back and designate the committee to which it shall be assigned. Thereafter it shall be assigned a number by the Secretary, be read first time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

Vote Required

47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly or by these Rules, any action which can be taken by the Senate requires only a majority vote of the Senate, a quorum being present.

The following actions require 27 votes:

1. To pass urgency measures—(Constitution, Art. IV, Sec. 1).
2. To suspend constitutional provision requiring reading bills on three several days—(Constitution, Art. IV, Sec. 15).
3. To pass bills over the Governor's veto—(Constitution, Art. IV, Sec. 16).
4. To increase or diminish the number of superior court judges or to remove judges—(Constitution, Art. VI, Secs. 9, 10).
5. To propose constitutional amendments or revision of the Constitution—(Constitution, Art. XVIII, Secs. 1, 2).
6. To change rate of taxation for State purposes—(Constitution, Art. XIII, Secs. 14, 16).
7. To authorize deposit of public money in banks—(Constitution, Art. XI, Sec. 16½).
8. To remove Railroad Commissioners—(Constitution, Art. XII, Sec. 22).
9. To change rates or conditions under the State Employees Retirement System—(Constitution, Art. IV, Sec. 22a).
10. To propose change in location of State capital—(Constitution, Art. XX, Sec. 1).

11. To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.

12. To suspend the Rule against lobbying in the Senate Chamber.

The following actions require 21 votes:

13. To amend or suspend the Rules.
14. To pass bills, unless under some other Rule a larger vote is required—(Constitution, Art. IV, Sec. 15).
15. To adopt a concurrent resolution approving a county or city charter or amendments thereto—(Constitution, Art. XI, Secs. 7½ and 8).
16. To adopt joint and concurrent resolutions.
17. To reconsider bills, joint and concurrent resolutions.
18. To confirm appointments by the Governor or to reconsider the same.
19. To recall a bill from committee.
20. To concur in Assembly amendments or to adopt a report of a Committee on Conference.

Actions requiring 14 votes:

21. To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Jepsen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.
 NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 1: By Senator Rich—Relative to Joint Rules of the Legislature.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 1, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1

Senate Concurrent Resolution No. 1.—Relative to Joint Rules of the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Senator Seawell:

Senate Resolution No. 4

Resolved, That the standing committees of the Senate at the Fifty-fourth Regular Session be and the same are hereby retained as the standing committees for this extraordinary session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—34.

NOES—None.

By Senator Swan:

Senate Resolution No. 5

Resolved, That the President of the Senate appoint a Special Committee of three Senators to notify the Governor of the organization of the Senate and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Swan, Kenny and Mayo.

By Senator Powers:

Senate Resolution No. 6

Resolved, That the President of the Senate appoint a Special Committee of three Senators to notify the Assembly of the organization of the Senate, and that the Senate is now duly organized and is ready to receive any communications it may have to make.

Resolution read, and adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Powers, McBride and Parkman.

By Senator Biggar:

Senate Resolution No. 7

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate elected the following statutory officers:

President pro tempore.....	Wm. P. Rich
Secretary of the Senate.....	Joseph A. Beek
Sergeant-at-Arms.....	Joseph F. Nolan
Minute Clerk.....	Robert G. Alderman
Chaplain.....	H. W. Opperman

Resolution read, and adopted.

By Senator Tickle:

Senate Resolution No. 8

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law:

Senators	Town	Mileage	Total at 5 cents per mile
Biggar, George M.	Covelo	480	\$24 00
Breed, Arthur H., Jr.	Oakland	180	9 00
Brown, Charles	Shoshone	1,072	53 60
Carter, Oliver J.	Redding	330	16 50
Collier, Randolph	Yreka	556	27 80
Crittenden, Bradford S.	Stockton	94	4 70
Cunningham, R. R.	Hanford	436	21 80
DeLap, T. H.	Richmond	164	8 20
Deuel, Charles H.	Chico	202	10 10
Fletcher, Ed.	San Diego	1,032	51 60
Garrison, J. C.	Modesto	152	7 60
Gordon, Frank L.	Suisun	110	5 50
Jespersen, Chris N.	Atascadero	602	30 10
Judah, H. R.	Santa Cruz	336	16 80
Keating, Thomas F.	San Rafael	204	10 20
Kenny, Robert W.	Los Angeles	776	38 80
Kuchel, Thomas H.	Anaheim	834	41 70
Luckey, E. George	Brawley	1,178	58 90
Mayo, Jesse M.	Angels Camp	156	7 80
McBride, James J.	Ventura	908	45 40
McCormack, Thomas	Rio Vista	98	4 90
Metzger, D. Jack	Red Bluff	280	14 00
Mixter, Frank W.	Ereter	444	22 20
Myhand, Peter P.	Merced	226	11 30
Parkman, Harry L.	Millbrae	222	11 10
Phillips, John	Banning	944	47 20
Powers, Harold J.	Eagleville	741	37 20
Quinn, Irwin T.	Eureka	624	31 20
Rich, W. P.	Marysville	106	5 30
Seawell, Jerrold L.	Roseville	38	1 90
Shelley, John F.	San Francisco	182	9 10
Slater, Herbert W.	Santa Rosa	204	10 20
Swan, John Harold	Sacramento	2	10
Swing, Ralph E.	San Bernardino	894	44 70
Tickle, Edward H.	Carmel	424	21 20
Ward, Clarence C.	Santa Barbara	854	42 70

Officers	Town	Mileage	Total at 10 cents per mile
Patterson, Ellis E., President	Los Angeles	776	\$77 60
Beek, J. A., Secretary	Balboa	864	86 40
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	776	77 60
Alderman, Robert G., Minute Clerk	Berkeley	170	17 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McCormack, Mixer, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—26.

NOES—None.

By Senator Carter:

Senate Resolution No. 9

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and directed to receipt to the Controller for warrants for members and officers of the Senate.

Resolution read, and adopted.

MESSAGES FROM THE ASSEMBLY

At 10.20 p.m., a committee from the Assembly, consisting of Messrs. Stream, Burns, Michael J., and Pelletier appeared at the bar of the Senate, and announced that the Assembly was duly organized and ready to proceed with the business of the State.

REPORTS OF SPECIAL COMMITTEES

The following reports of Special Committees were received:

Senators Swan, Kenny and Mayo, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported that they had performed their duty.

Also:

Senators Powers, McBride and Parkman, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 17, 1942

Members of the Senate and the Assembly of the California Legislature

GREETINGS: I have called you into this extraordinary session immediately at approximately the time you have indicated your intention of concluding the extraordinary session called for December 19, 1941, in order that you may consider three subjects which I believe to be of sufficient importance, in the light of the present emergency, to justify your immediate attention. I believe that the subjects are of such an uncontroversial nature as to enable you to speedily consider and act upon them immediately.

The first item was included at the request of the United States Navy. Attached hereto is a letter to me from Rear Admiral J. W. Greenslade, Commandant of the Twelfth Naval District on this subject.

The second item was included at the request of Henry Morgenthau, Secretary of the Treasury. A copy of his telegram to me on this subject also is appended hereto. Legislation upon this subject should enable thousands of public employees to conveniently purchase Defense Savings Bonds by the setting up of a procedure of pay roll deductions to be made at the voluntary request of the employees.

The third item is included at the request of the sponsors of the Youth Correction Authority Act. In accordance with the act passed at the 1941 Session of the Legislature, I appointed two members from a panel submitted to me by officials of the organizations designated in the act. One of these is a county probation officer, and the other a superintendent of a State correctional school. Neither of said officials have accepted such appointment because of their unwillingness, during the present emergency, to leave their present duties. Sponsors of the act feel, and I agree with them, that these two appointees will be of invaluable assistance in organizing the Authority and its work while retaining their present positions and

that they should be permitted to serve without compensation other than incurred expenses.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

COPY

DISTRICT STAFF HEADQUARTERS, TWELFTH NAVAL DISTRICT
SAN FRANCISCO, CALIFORNIA, January 7, 1942

Honorable Culbert L. Olson, Governor, State of California
Sacramento, California

SIR: It is requested that a call be placed before the Legislature at its coming session on January 12, so that there may be an amendment to the Statutes of 1933, page 2366, to add a new section thereto which will permit the City and County of San Francisco to transfer to the Navy Department that property generally known as Treasure Island.

In explanation of the above, may I state that the amending Act of December 5, 1940, which permitted the City to lease a portion of Treasure Island to the Navy Department, contained a clause to the effect that San Francisco Bay, as a key harbor on the Pacific Coast, will be the center of much of the activity in connection with the necessary prompt and widespread Military and Naval Armament Program. Events have proved this statement to be fully justified. Treasure Island, located in the harbor, is ideally suited to the uses and purposes of the Navy in the National defense, and amounts in excess of \$4,000,000 have already been allotted by the Navy Department for Naval operations on the island. Doubtless, large additional expenditures will be made in connection with the anticipated future expansion of Naval activities. Under such circumstances, the policy of the Navy Department dictates that the Navy should have title to the island.

At numerous conferences which have been held with the city officials and representatives of the San Francisco Chamber of Commerce, plans and means for the acquisition of Treasure Island by the Navy Department have been discussed. All parties agree that it would be preferable for the Navy Department to acquire title to the property under an agreement with the city, rather than by condemnation proceedings. To this end, the Secretary of the Navy, on January 6, 1942, sent a telegram to Mayor Rossi urgently recommending that negotiations for the transfer of title be speedily consummated and that an enabling act be introduced during the coming session of the California Legislature on January 12, which will permit the city to transfer the title to the Navy Department.

It is possible that certain other amendments should be made to the act giving the Navy the right to reclaim additional lands on the shoals of Yerba Buena Island. Officers attached to the district are prepared to collaborate with the Legislative Counsel in the preparation of the proposed legislation and in any appearances before the Legislature, which you may deem advisable.

Your active cooperation in this matter on behalf of the Navy is solicited and depended upon.

Very truly yours,

J. W. GREENSLADE, Rear Admiral, U. S. Navy
Commandant, Twelfth Naval District

(COPY)

CHICAGO, ILLINOIS, December 17, 1941

Honorable Culbert L. Olson, Governor of California
Sacramento, California

Will you not in your call for contemplated special session of Legislature include the important item of enabling legislation allowing pay roll deduction plans to be put into effect for the purchase of defense savings bonds by State, county and municipal employees and school teachers. This request in view of critical National emergency and consequent necessity for defense funds and systematic saving to avoid dangerous inflation. Edward H. Heller, Chairman, Defense Savings Committee, Northern California or James G. Smyth, Administrator, Defense Savings Staff Northern California, address 733 Monadnock Building, San Francisco, have full information as to details of required legislation.

HENRY MORGENTHAU, JR.
Secretary of the Treasury

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1: By Senators Shelley and Breed—An act relating to the transfer of certain tide and submerged lands known as Treasure

Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Bill No. 1, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Shelley:

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—34.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—34.

NOES—None.

Senate Bill No. 1—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 2: By Senator Shelley—An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code,

declaring the urgency thereof, and providing that this act shall take effect immediately.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Bill No. 2, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Shelley:

Resolved, That Senate Bill No. 2 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 2

Senate Bill No. 2—An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—32.

NOES—None.

Senate Bill No. 2—An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 3: By Senators Kenny and Breed—An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the

Youth Correction Authority and members thereof, to take effect immediately.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Senate Bill No. 3, at this time, for consideration.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Kenny:

Resolved, That Senate Bill No. 3 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority and members thereof, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Senate Bill No. 3—An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority and members thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS**

The following resolution was offered:

Senate Concurrent Resolution No. 2: By Senator Rich—Relative to adjournment sine die of the Second Extraordinary Session of the Fifty-fourth Session of the Legislature of the State of California.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 2, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

Senate Concurrent Resolution No. 2—Relative to adjournment sine die of the Second Extraordinary Session of the Fifty-fourth Session of the Legislature of the State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Minter, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward 24.

NOES—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 10.40 p.m., on motion of Senator Rich, the Senate recessed until 10.45 p.m.

REASSEMBLED

At 10.45 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

RECESS

At 10.46 p.m., on motion of Senator Rich, the Senate recessed until 10.48 p.m.

REASSEMBLED

At 10.48 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, January 17, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day elected the following statutory officers for the Fifty-fourth (Second Extraordinary) Session:

Gordon H. Garland	Speaker
Earl D. Desmond	Speaker pro tempore
Arthur A. Ohnimus	Chief Clerk
C. William Queale	Minute Clerk
Wilkie Ogg	Sergeant-at-Arms
Rev. Thomas H. Markham	Chaplain

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **H. F. LEWRIGHT**, Assistant Clerk

ADJOURNMENT

At 10.50 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 18, 1942.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (SECOND EXTRAORDINARY) SESSION

SENATE DAILY JOURNAL

IN SENATE

SENATE CHAMBER, SACRAMENTO
Sunday, January 18, 1942

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Dillinger, on motion of Senator Rich.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1?

Amendment No. 1

On page 1, line 2, of the printed bill, after "grant", insert ", lease, or otherwise transfer".

Amendment No. 2

On page 1, line 7, of the printed bill, strike out "title", and insert "right, title, or interest".

Amendment No. 3

On page 1, line 8, of the printed bill, after "grant", insert ", lease, or other transfer".

Amendment No. 4

On page 1, line 15, of the printed bill, after "grant", insert ", lease or transfer".

Amendment No. 5

On page 2, line 6, of the printed bill, after "granting", insert ", leasing, or transferring".

Amendment No. 6

On page 2, lines 24 and 25, of the printed bill, strike out "full legal title thereto", and insert "unrestricted rights to the use and possession thereof".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 2

Senate Bill No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By C. DUDLEY, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By C. DUDLEY, Assistant Clerk

Above resolution ordered enrolled.

RECESS

At 11.30 a.m., on motion of Senator Rich, the Senate recessed until 8.15 p.m.

REASSEMBLED

At 8.15 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Concurrent Resolution No. 2

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 2—Relative to adjournment sine die of the Second Extraordinary Session of the Fifty-fourth Legislature of the State of California.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 2?

Amendment No. 1

On page 1, line 7, of the printed resolution, after "at", strike out the balance of the line, and insert "9 p.m., January 18,".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 2 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Above resolution ordered enrolled.

RESOLUTIONS

The following resolutions were offered:

By Senator Shelley:

Senate Resolution No. 10

Resolved, That the President of the Senate appoint a Committee of three to notify the Governor that the Senate is ready to adjourn sine die the Fifty-fourth (Second Extraordinary) Session of the Legislature pursuant to the provisions of Senate Concurrent Resolution No. 2 and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Shelley, Carter and Crittenden.

By Senator Powers:

Senate Resolution No. 11

Resolved, That the President of the Senate appoint a Committee of three to notify the Assembly that the Senate is ready to adjourn sine die the Fifty-fourth (Second Extraordinary) Session of the Legislature pursuant to the provisions of Senate Concurrent Resolution No. 2 and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Powers, DeLap and McBride.

MESSAGES FROM THE ASSEMBLY

At 8.45 p.m. a committee from the Assembly, consisting of Messrs. Leonard, Donnelly and Middough, appeared at the bar of the Senate and announced that the Assembly was prepared to adjourn the Fifty-fourth (Second Extraordinary) Session sine die.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 2—An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 3—An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority and members thereof, to take effect immediately;

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature;

Senate Concurrent Resolution No. 2—Relative to adjournment sine die of the Second Extraordinary Session of the Fifty-fourth Legislature of the State of California;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1942, at 8.45 p.m.

RICH, Chairman

REPORTS OF SPECIAL COMMITTEES

Senator Shelley, as chairman of the Special Committee appointed to inform the Governor of the readiness of the Senate to adjourn sine die, as provided in Senate Concurrent Resolution No. 2, reported that they had performed their duty.

Also:

Senator Powers, as chairman of the Special Committee appointed to inform the Assembly of the readiness of the Senate to adjourn sine die, as provided in Senate Concurrent Resolution No. 2, reported that they had performed their duty.

APPROVAL OF JOURNAL

The Senate Journal of Saturday, January 17, 1942, was, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

APPROVAL OF MINUTES

The minutes of this legislative day, Sunday, January 18, 1942, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

FINAL ADJOURNMENT

Whereupon, at 9 p.m., on motion of Senator Rich, in accordance with the provisions of Senate Concurrent Resolution No. 2, the President of the Senate declared the Fifty-fourth (Second Extraordinary) Session of the Senate of the State of California adjourned sine die.

ROBERT G. ALDERMAN, Minute Clerk

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CALIFORNIA LEGISLATURE
FIFTY-FOURTH (SECOND EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY
FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Saturday, January 17, 1942

The Assembly met at 10 p.m., pursuant to the provisions of the Proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated January 17, 1942, convening the Legislature of the State of California on this day in extraordinary session.

Arthur A. Ohnimus, Chief Clerk of the Assembly for the Fifty-fourth Session, presiding.

ANNOUNCEMENT

Arthur A. Ohnimus, Chief Clerk of the Assembly, announced that, pursuant to the requirements of the Political Code, Section 237, the following officers of the Assembly of the Fifty-fourth Session of the Legislature were present and in their respective positions: Arthur A. Ohnimus, Chief Clerk; C. William Queale, Minute Clerk, and Wilkie Ogg, Sergeant-at-Arms.

ROLL CALL

The Chief Clerk directed the Assistant Chief Clerk to call the roll of Assemblymen.

The roll was called by Frank Reed, Assistant Chief Clerk, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—73.

Quorum present.

PRAYER

Upon invitation of the Chief Clerk, prayer was offered by Hon. Jesse Randolph Kellems, Member of the Assembly from the Sixtieth Assembly District.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 1

Resolved by the Assembly of the State of California, That the following named persons constitute the officers of the Assembly for the Fifty-fourth (Second Extraordinary) Session, with the per diem as fixed by statute:

Hon. Gordon H. Garland	Speaker
Hon. Earl D. Desmond	Speaker pro tempore
Arthur A. Ohnimus	Chief Clerk
C. William Queale	Minute Clerk
Wilkie Ogg	Sergeant-at-Arms
Rev. Thomas H. Markham	Chaplain

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 1, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Clarke, Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thurman, Turner, Waters, Watson, Welch, Weybret, and Wollenberg—61.

NOES—None.

APPOINTMENT OF SPECIAL COMMITTEE

The Chief Clerk appointed Messrs. Charles W. Lyon, Seth Millington and Nelson S. Dilworth as a Special Committee to escort Speaker-elect Gordon H. Garland and Speaker pro tempore-elect Earl D. Desmond to the rostrum.

Speaker Presiding

At 10.02 p.m., Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

OATHS OF OFFICE ADMINISTERED

Hon. Gordon H. Garland, Speaker-elect, Hon. Earl D. Desmond, Speaker pro tempore-elect, Arthur A. Ohnimus, Chief Clerk-elect, C. William Queale, Minute Clerk-elect and Wilkie Ogg, Sergeant-at-Arms-elect, took and subscribed to the following oath administered by Charles J. Hagerty, Assistant Secretary of State:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office to which I have been elected to the best of my ability.

PROCLAMATION OF THE GOVERNOR

The Speaker directed the Chief Clerk to read the Proclamation of the Governor convening the Legislature in extraordinary session.

Whereupon the Chief Clerk read the following Proclamation:

Proclamation**EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA**

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened; now, therefore,

I, CULBERT L. OLSON, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session at Sacramento, California, on Saturday, the seventeenth day of January, 1942, at 10 o'clock, p.m., of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation authorizing the City and County of San Francisco to grant to the United States of America, for the use of the Navy Department of said United States, title in fee to those tide and submerged lands heretofore granted by the State to said city and county by Chapter 912, Statutes of 1933; consenting on behalf of the State to the acquisition of said lands by the United States and reserving to the State the power of taxation and the authority to serve civil and criminal process; and conferring upon the United States the powers now had by said city and county to raise, fill, and reclaim said lands and for that purpose to dredge said lands and submerged lands adjacent thereto.

2. To consider and act upon legislation providing for wage and salary deductions for the purchase of United States Savings Bonds or similar obligations of the United States for public officers and employees of the State of California, counties, cities and counties, cities, municipal corporations, political subdivisions, public districts and of other public agencies of the State of California.

3. To consider and act upon legislation making county probation officers and superintendents of State correctional schools eligible to serve, without additional compensation, as members of the Youth Correction Authority.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this seventeenth day of January, A. D., One Thousand Nine Hundred and Forty-two.

[SEAL]

CULBERT L. OLSON
Governor of California

Attest: PAUL PEEK, Secretary of State
By EDWARD H. DICKSON, Deputy

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1942

Members of the Senate and the Assembly of the California Legislature

GREETINGS: I have called you into this extraordinary session immediately at approximately the time you have indicated your intention of concluding the extraordinary session called for December 19, 1941, in order that you may consider three subjects which I believe to be of sufficient importance, in the light of the present emergency, to justify your immediate attention. I believe that the subjects are of such an uncontroversial nature as to enable you to speedily consider and act upon them immediately.

The first item was included at the request of the United States Navy. Attached hereto is a letter to me from Rear Admiral J. W. Greenslade, Commandant of the Twelfth Naval District on this subject.

The second item was included at the request of Henry Morgenthau, Secretary of the Treasury. A copy of his telegram to me on this subject also is appended hereto. Legislation upon this subject should enable thousands of public employees to conveniently purchase defense savings bonds by the setting up of a procedure of pay roll deductions to be made at the voluntary request of the employees.

The third item is included at the request of the sponsors of the Youth Correction Authority Act. In accordance with the act passed at the 1941 Session of the Legislature, I appointed two members from a panel submitted to me by officials of the organizations designated in the act. One of these is a county probation officer, and the other a superintendent of a State correctional school. Neither of said officials have accepted such appointment because of their unwillingness, during the

present emergency, to leave their present duties. Sponsors of the act feel, and I agree with them, that these two appointees will be of invaluable assistance in organizing the Authority and its work while retaining their present positions and that they should be permitted to serve without compensation other than incurred expenses.

Respectfully submitted.

CULBERT L. OLSON
Governor of California

COPY

DISTRICT STAFF HEADQUARTERS, TWELFTH NAVAL DISTRICT
SAN FRANCISCO, CALIFORNIA, January 7, 1942

*Honorable Culbert L. Olson, Governor
State of California, Sacramento, California*

SIR: It is requested that a call be placed before the Legislature at its coming session on January 12, so that there may be an amendment to the Statutes of 1933, page 2366, to add a new section thereto which will permit the City and County of San Francisco to transfer to the Navy Department that property generally known as Treasure Island.

In explanation of the above, may I state that the amending Act of December 5, 1940, which permitted the city to lease a portion of Treasure Island to the Navy Department, contained a clause to the effect that San Francisco Bay, as a key harbor on the Pacific Coast, will be the center of much of the activity in connection with the necessary prompt and widespread Military and Naval Armament Program. Events have proved this statement to be fully justified. Treasure Island, located in the harbor, is ideally suited to the uses and purposes of the Navy in the National defense, and amounts in excess of \$4,000,000 have already been allotted by the Navy Department for Naval operations on the island. Doubtless large additional expenditures will be made in connection with the anticipated future expansion of Naval activities. Under such circumstances, the policy of the Navy Department dictates that the Navy should have title to the island.

At numerous conferences which have been held with the city officials and representatives of the San Francisco Chamber of Commerce, plans and means for the acquisition of Treasure Island by the Navy Department have been discussed. All parties agree that it would be preferable for the Navy Department to acquire title to the property under an agreement with the city, rather than by condemnation proceedings. To this end, the Secretary of the Navy, on January 6, 1942, sent a telegram to Mayor Rossi urgently recommending that negotiations for the transfer of title be speedily consummated and that an enabling act be introduced during the coming session of the California Legislature on January 12, which will permit the city to transfer the title to the Navy Department.

It is possible that certain other amendments should be made to the act giving the Navy the right to reclaim additional lands on the shoals of Yerba Buena Island. Officers attached to the district are prepared to collaborate with the Legislative Counsel in the preparation of the proposed legislation and in any appearances before the Legislature, which you may deem advisable.

Your active cooperation in this matter on behalf of the Navy is solicited and depended upon.

Very truly yours,

J. W. GREENSLADE, Rear Admiral, U. S. Navy
Commandant, Twelfth Naval District

(COPY)

CHICAGO, ILLINOIS, December 17, 1941

*Honorable Culbert L. Olson, Governor of California
Sacramento, California*

Will you not in your call for contemplated special session of Legislature include the important item of enabling legislation allowing pay roll deduction plans to be put into effect for the purchase of defense savings bonds by State, county and municipal employees and school teachers. This request in view of critical National emergency and consequent necessity for defense funds and systematic saving to avoid dangerous inflation. Edward H. Heller, Chairman, Defense Savings Committee, Northern California or James G. Smyth, Administrator, Defense Savings Staff Northern California, address 733 Monadnock Building, San Francisco have full information as to details of required legislation.

HENRY MORGENTHAU, JR.
Secretary of the Treasury

RESOLUTIONS

The following resolution was offered:

By Mr. Stream:

House Resolution No. 2

Resolved by the Assembly of the State of California, That the Speaker of the Assembly appoint a Committee of Three to inform the Senate that the Assembly is in session pursuant to the Proclamation of His Excellency, the Governor, dated the seventeenth day of January, 1942, and ready for the transaction of legislative business, with the following officers, to wit:

Hon. Gordon H. Garland	Speaker
Hon. Earl D. Desmond	Speaker pro tempore
Arthur A. Ohnimus	Chief Clerk
C. William Queale	Minute Clerk
Wilkie Ogg	Sergeant-at-Arms
Rev. Thomas H. Markham	Chaplain

Request for Unanimous Consent

Mr. Stream asked for, and was granted, unanimous consent to take up House Resolution No. 2, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 2, the Speaker announced the appointment of Messrs. Stream, Pelletier and Burns, Michael J., as such Special Committee.

RESOLUTIONS

The following resolution was offered:

By Mr. Field:

House Resolution No. 3

Resolved by the Assembly of the State of California, That a Special Committee of Five be appointed to wait upon His Excellency, the Governor, and inform him that the Assembly is organized and awaits any communication he may have to make to it.

Request for Unanimous Consent

Mr. Field asked for, and was granted, unanimous consent to take up House Resolution No. 3, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 3, the Speaker announced the appointment of Messrs. Field, Sawallisch, Thurman, King and Richie as such Special Committee.

COMMITTEE FROM THE SENATE

Senators Powers, McBride and Parkman appeared before the bar of the Assembly, and announced that the Senate had organized, and was now ready to proceed with the regular business.

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Senate appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

The Special Committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 4

Resolved by the Assembly of the State of California, That until further notice the Standing Rules of the Fifty-fourth (Regular) Session, adopted January 14, 1941, and all amendments adopted thereto, excepting those adopted on June 14, 1941, be and the same are hereby adopted as the Rules of the Fifty-fourth (Second Extraordinary) Session convened on January 17, 1942.

**PERMANENT STANDING RULES OF THE ASSEMBLY FOR THE
FIFTY-FOURTH SECOND EXTRAORDINARY SESSION—1941-1943**

Hours of Meeting

1. The session of Assembly, prior to the constitutional recess, shall be daily, beginning at 10 o'clock a.m. (Sundays excepted) unless otherwise ordered by a majority vote of the members present.

Following the constitutional recess, the Assembly shall meet promptly at 2 o'clock p.m., daily (Sundays excepted) and Mondays at the hour of 11 o'clock a.m., unless otherwise ordered by a majority vote of the members present.

Speaker to Call Assembly to Order

2. The Speaker, or in his absence, the Speaker pro tempore, shall take the Speaker's chair precisely at the hour appointed for meeting, and shall immediately call the Assembly to order. In the absence of both the Speaker and the Speaker pro tempore, the Chief Clerk, or his assistant, shall call the Assembly to order, whereupon a temporary chairman shall be elected from among the members to preside.

Roll Call and Quorum

3. Before proceeding with the business of the Assembly, the roll of the members shall be called, and the names of those present shall be entered on the Journal. A majority of all the members elected to the Assembly shall constitute a quorum for the transaction of business.

Order of Business

4. The order of business of the Assembly shall be as follows:

1. Roll Call
2. Prayer by the Chaplain
3. Reading of the Previous Day's Journal
4. Presentation of Petitions
5. Reports of Committees
6. Messages from the Governor
7. Messages from the Senate
8. Introduction and Reference of Bills
9. Business on the Daily File
10. Motions and Resolutions
11. Announcements
12. Adjournment

Pledge of Allegiance

4.5. On each Monday morning during the session, following the prayer by the Chaplain, the Members of the Assembly and its officers, attaches and employees present in the Assembly Chamber shall pledge their allegiance to the Flag of the United States of America.

Reading of the Previous Day's Journal

5. The reading of the Journal of the previous day may be dispensed with on motion by a majority of the members present.

Approval of the Journal

6. All Journals of the Assembly shall be corrected by the Minute Clerk and delivered by him to the Chief Clerk within seven calendar days from the date of such Journal. Such corrected Journals may thereafter be approved by a majority vote of the members present.

Motion to Correct Journal

7. A motion to correct any day's Journal shall be in order prior to the approval by the Assembly of such day's Journal. The approval of the Journal shall require a majority vote of the members present.

Presentation of Petitions

8. Whenever petitions, memorials or other papers are presented by a member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or be referred to a committee as the Speaker shall determine. Mention of receipt of such presentation and its disposition shall be entered on the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer such petition to committee.

Reports of Committees

9. Reports of standing and special committees shall be delivered to the Chief Clerk or an assistant. They shall be read and ordered printed on the Journal unless it is ordered otherwise by the Speaker or by a majority vote of the members present.

Messages From the Governor

10. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal unless otherwise ordered by the Speaker or a majority vote of the members present.

Messages From the Senate

11. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall forthwith refer to the proper committee all Senate bills accompanying such messages, which reference shall be entered on the Journal. Assembly bills which have been passed without amendment by the Senate, shall be ordered to enrollment.

Assembly bills amended by the Senate shall be ordered placed upon the unfinished business file.

Bills Defined

12. Wherever the word bill is used, it shall include constitutional amendments, concurrent and joint resolutions, except as otherwise specifically provided for in these Rules.

Introduction and Reference of Bills

13. Each bill shall be signed by the member, or each of the members, who is an author of the bill before it is introduced. If any bill is introduced which does not contain the signature of such author or co-author, the same shall be stricken from the file on motion of the member whose name appears thereon without such signature after the majority vote of the members. In each legislative session on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back again from Z to A, and as each member's name is called, he shall have the privilege of introducing one bill, constitutional amendment, concurrent or joint resolution.

After these two roll calls, any member desiring to introduce bills, constitutional amendments, concurrent and joint resolutions may at any time during a session send the same to the Clerk's desk. When received at the Clerk's desk, it shall, under the proper order of business, be numbered, read the first time, referred to a standing committee, be printed, and a copy placed upon the desk of each member.

All bills, constitutional amendments, concurrent and joint resolutions introduced before the standing committees of the Assembly are appointed, shall be referred to committees, references to take effect when the committees shall be appointed.

Introduction of Bills After Constitutional Recess

14. Any member requesting permission to introduce a bill except a resolution or constitutional amendment after the constitutional recess shall send such request together with the bill to the Clerk's desk, and shall under the order of "Introduction of Bills" be referred by the Speaker to the Committee on Introduction of Bills. The committee shall ascertain if the granting of such request will exceed the limitations as set forth in Section 2 of Article IV of the Constitution, and if it will not, shall report back on the same legislative day each bill so referred to it. The adoption of the report of the committee granting permission to introduce any bill shall require an affirmative recorded vote of three-fourths of all members elected to the Assembly.

Examining of Bills by Legislative Counsel Bureau

15. After introduction, all bills shall be delivered to the Legislative Counsel for the purpose of determining if the bill is in the proper form as prescribed by law or Assembly Rule. He shall have authority to correct any clerical error such as orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, and in any other particular wherein the bill does not comply in form with law or Assembly Rule. He shall have authority to correct any error in the title of an amendatory bill wherein it does not enumerate the sections added or amended of a particular act or code.

If in the opinion of the Legislative Counsel, any correction made by him under the authority of this Rule should in any manner be construed to be a change in the bill other than a change in form, he shall obtain the consent of the author of the bill before making such change.

Immediately upon the completion of the check of the bills referred to the Legislative Counsel in accordance with the provisions of this Rule, he shall deliver the bills to the State Printer. Under no circumstances shall the Legislative Counsel retain in his possession any bills referred to him under the provisions of this Rule for any period longer than two legislative days.

Daily File

16. There shall be printed an Assembly Daily File for each legislative day following the constitutional recess, or at any time prior thereto when ordered by the Speaker. The Committee on Rules shall have charge of the Daily File of the Assembly. The following listing shall constitute the order of the Daily File:

1. Special Orders of the Day
2. Second Reading, Assembly Bills
3. Second Reading, Senate Bills
4. Unfinished Business
5. Third Reading, Assembly Bills
6. Third Reading, Senate Bills

All bills on the Daily File shall be called for consideration in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the members present.

Motions and Resolutions

17. Any motion or resolution not otherwise provided for under the Rules shall be placed before the Assembly only under this order of business. Unless otherwise provided by law or Assembly Rule, any motion or resolution may be adopted by a majority vote of the members present.

Adjournment

18. Adjournment for the constitutional recess or adjournment *sine die* shall be ordered by concurrent resolution. The resolution for adjournment *sine die* shall be adopted by the Assembly not less than seven days before the date set therein for such adjournment.

Duties of Assembly Officers

Duties of the Speaker

19. The Speaker shall possess the powers and perform the duties herein prescribed:

- (a) To preserve order and decorum; he may speak to points of order in preference to the other members, rising from his chair for that purpose.
- (b) To decide all questions of order subject to appeal to the Assembly by any member. On every appeal, he shall have the right to assign his reason for his decision.
- (c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by members as private offices.
- (d) To name any member to perform the duties of the Speaker, but such substitutions shall not extend beyond adjournment.
- (e) To appoint the membership of all standing and special committees.
- (f) To propose a schedule of meetings of standing committees.
- (g) To have general control and direction over the Journals, papers and bills of the Assembly.
- (h) To act as Chairman of the Committee of the Whole.
- (i) To order the lobby and gallery cleared whenever he shall deem it necessary.
- (j) To assign desks to properly accredited newspaper representatives.
- (k) To authenticate by his signature, when necessary, or when required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants and subpoenas issued by order of the Assembly.

Duties of the Speaker Pro Tempore

20. The Speaker pro tempore shall have the powers and perform the duties of the Speaker during his absence.

Duties of the Chief Clerk

21. The duties of the Chief Clerk shall be as follows:

- (a) To have charge of and supervise all clerical business and printing of the Assembly.
- (b) To see that the Journals, other publications and records of the Assembly are properly kept.

(c) To refuse to permit any records or papers to be taken from the desk or out of his custody, except upon duly signed receipts from persons authorized.

(d) To read or allow his assistants to read from the desk only such matter as the Speaker of the Assembly shall direct.

(e) To have general supervision over all clerks, attaches and employees, and to be responsible for their official acts and their performance of and regular attendance upon their duties.

(f) To suspend temporarily any clerk, attache or employee for incompetency or dereliction of duty, pending action by the Committee on Rules.

(g) To perform all other duties pertaining to his office as prescribed by law or Assembly Rule.

Duties of the Sergeant-at-Arms

22. The duties of the Sergeant-at-Arms shall be as follows:

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all processes issued by authority of the Assembly and directed by the Speaker; he shall receive his actual expenses for himself or for an assistant when executing any such process.

(b) To see that no person is admitted to the Assembly Chamber except in accordance with the provisions of these Rules.

(c) To have general supervision over the Assistant Sergeants-at-Arms and be responsible for their official acts and their performance of and regular attendance upon their duties.

(d) To suspend temporarily any Assistant Sergeant-at-Arms for incompetency or dereliction of duty, pending action by the Committee on Rules.

(e) To execute all commands of the Speaker.

(f) To perform all other duties pertaining to his office as prescribed by law or Assembly Rule.

Members' Decorum and Privileges

Order in Speaking to Questions

23. When a member desires to address the Assembly, he shall rise from his seat and respectfully address himself to "Mr. Speaker." Upon being recognized, he may speak, confining himself to the question under consideration.

No member shall speak more than once during the consideration of any one question on the same day and at the same stage of proceeding except that the author of a bill or resolution, or the mover of a question shall have the right to close the debate thereon. No member shall be allowed to speak more than 10 minutes to open and 5 minutes to close the debate thereon, and no member other than the author or the mover of the question shall be allowed to speak more than 5 minutes thereon. No member shall yield to any other member the time for which he is entitled to speak on any matter.

Speaker to Decide Who Is Entitled to Floor

24. When two or more members rise at the same time, the Speaker shall designate the member to speak first.

Members Called to Order for Transgressing Rules

25. If any member in speaking or otherwise, transgresses the Rules of the Assembly, the Speaker shall, or any member may call the offending member to order. The member so called to order shall immediately take his seat, unless permitted to explain; if called to order by a member, such member shall immediately state the point of order. The point of order shall be decided by the Speaker without debate. If the decision of the Speaker be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall be required to keep his seat. Every such decision by the Speaker shall be subject to an appeal to the Assembly.

Members Called to Order for Offensive Words

26. If any member be called to order for offensive words spoken in debate, the person calling him to order shall state to the Assembly the words to which exception is taken. No member shall be held to answer, or be subject to censure by the Assembly, for language used in debate, if other business shall have been transacted by the Assembly prior to exception being taken to the words spoken.

Members Voting

27. Every member actually in the Assembly Chamber when a roll call is required, shall record his vote openly and without debate, unless the Assembly shall, after he has stated his reasons for not doing so, excuse him. All motions to excuse a member shall be made before the Assembly divides, or before the recording of ayes and noes is commenced. Any member requesting to be excused from voting may make a brief

oral statement of the reasons for such request, and the question shall then be decided without debate by a majority vote of the members present.

The name of any member who refuses to vote as required by this Rule after being requested by the Speaker to do so and who has not been excused from doing so shall be entered on the Journal of the Assembly, together with a statement that he was present and did so refuse to vote. Any member who refuses so to vote may, if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed on the Journal, provided no such explanation shall exceed 50 words in length.

In addition to the entry of his name on the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker.

Censure of a member as provided by this Rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to Section 9 of Article IV of the Constitution.

A member may submit a written explanation of his vote on any bill or House resolution, and have such explanation printed on the Journal immediately following such vote, provided no such explanation shall exceed 50 words in length.

Ayes and Noes

28. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, or by viva voce when demanded by three members or when ordered by the Speaker, and on any other question when called for by three members or ordered by the Speaker, the names of which members shall be entered in the Journal.

Voting Not to Be Interrupted

29. When once begun, voting shall not be interrupted, except that any member may have the total pending vote flashed on the visible vote recorder and except that any member may move a call of the Assembly, after the completion of the roll and prior to the final recording and announcement of the vote.

Changing Vote

30. Prior to the announcement of the vote, the Speaker shall inquire if all members have voted. After the vote is announced, no member shall be allowed to change his vote, or have his vote recorded.

Members at Clerk's Desk

31. No member or other person shall be allowed at the Clerk's desk while the ayes and noes are being recorded or the votes counted.

Tie Vote

32. In case of an equal division, or tie vote, the question shall be lost.

Call of the Assembly

33. After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly. A majority of the members present may order a call of the Assembly and the Speaker shall immediately order the Sergeant-at-Arms to lock all doors and shall direct the Clerk to prepare a list of absentees as disclosed by the last roll call. Thereupon no member shall be permitted to leave the Assembly Chamber except by written permission of the Speaker and no person shall be permitted to enter except such member as is taken into custody as herein provided, or Senators, officers, attaches or employees of the Legislature in the official performance of their duties.

Those members who are found to be absent and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant-at-Arms or his assistants, and brought to the Assembly Chamber. No recess or adjournment shall be taken during a call of the Assembly. During such call the Assembly may consider and transact any matter of business by unanimous consent. No call of the Assembly shall be ordered on any matter while the Assembly is already under call. A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, at which time the completion of the roll call pending when the call of the Assembly was ordered, shall become the immediate order of business before the Assembly.

Leave of Absence

34. No member shall absent himself from attendance at any session of the Assembly without leave of the Assembly, and no member shall obtain such leave of absence or be excused for nonattendance, except by a two thirds vote of all members elected to the Assembly, or by unanimous consent.

Personal Privilege

35. Any member may rise to explain a matter personal to himself and shall forthwith be recognized by the Speaker, but shall not discuss a question in such explanation. Such matters of personal privilege yield only to a motion to recess or adjournment.

Objection to Reading of Any Paper

36. Any member upon recognition by the Speaker may object to the reading of any paper before the Assembly. After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker.

Assignment of Desks to Members

37. Members shall be assigned to desks by the Superintendent of Capitol Buildings and Grounds, and, so far as possible, he shall conform to the requests of members, giving due consideration to their seniority in point of service in the Assembly.

Motions and Questions*Precedence of Motions During Debate*

38. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

- First*—To adjourn;
- Second*—To recess to a time certain;
- Third*—To lay on the table;
- Fourth*—For the previous question;
- Fifth*—To set as a special order;
- Sixth*—To postpone indefinitely;
- Seventh*—To refer or re-refer;
- Eighth*—To amend.

Questions of Order Decided Without Debate

39. All incidental questions of order, arising after a motion is made for any of the questions named in Rule No. 38 and pending such motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

Appeal From Decision of the Speaker

40. Any member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken.

Upon the appeal being seconded, the Speaker may give his reasons for the decision, and shall forthwith put this question to the Assembly: "Shall the decision of the Speaker be sustained?"

An appeal can not be amended and yields only to a motion to recess or adjourn, to lay on the table, or a question of personal privilege. If an appeal be laid on the table, such action shall have no effect on the pending question.

An appeal can not be debated when relating to indecorum, transgression of Rules, or priority of business. A majority vote of the members present shall decide any appeal.

To Adjourn

41. A motion to adjourn is not debatable and can not be amended, and is always in order, except (a) when another member has the floor; (b) when the Assembly is voting; (c) during a call of the Assembly. The name of any member moving an adjournment and also the hour at which the motion was made and adjournment taken, shall be entered on the Journal. Such a motion to adjourn must be adopted by a majority vote of the members present.

When such a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. Such statement shall not occupy more than two minutes and shall not be debatable.

To Recess to a Time Certain

42. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that such motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

To Lay on the Table

43. A motion to lay on the table is not debatable and can not be amended.

A motion to table a bill, constitutional amendment, concurrent or joint resolution requires a majority vote of the entire elected membership.

Any motion to lay on the table, if carried by a majority vote of the entire elected membership, carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint or House resolution.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present.

The Previous Question

44. The previous question shall be put only when demanded by five members, and in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote only on the question then pending; except that the proponent of the matter pending shall be allowed not to exceed five minutes to close the debate.

Motion to Set Special Order

45. A motion to set any matter before the Assembly as a special order of business must be adopted by a two-thirds vote of the members elected. It is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

Motion to Postpone to a Time Certain

46. A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order.

Motion to Postpone Indefinitely

47. When a motion is made to postpone indefinitely any bill, motion or amendment, it opens the main question to debate. Should the motion to postpone indefinitely prevail by a majority vote of the entire membership, the main question shall not be acted upon again during the session.

Motion to Amend

48. A motion to amend may itself be amended, but no "amendment to an amendment" can be amended. A motion to amend is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the members present.

A motion to amend having been decided in the negative, shall not again be in order on the same day, or at the same stage of proceeding. A motion to amend by striking out certain words having been decided in the negative, shall not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words; but in no case shall a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this Rule, a motion to amend is in order during the second or third reading of any bill.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present, as provided in Rule 43.

Amendment to Be Germane

49. No amendment to any bill, whether reported by a committee or offered by a member, shall be in order when such amendment relates to a different subject, or is intended to accomplish a different purpose, or requires a title essentially different from the original title of any bill.

No amendment shall be in order which adds or deletes the name of a member as an author or co-author, or which changes the original number of any bill.

Substitute Motion

50. A motion to substitute shall be deemed and treated as a motion to amend.

Motions in Writing

51. Upon request of the Speaker all motions shall be reduced to writing and shall be read by the Speaker before the same are acted upon.

Consideration of Motions

52. No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the Assembly by the Speaker.

Division of Questions

53. Any member may call for a division of the question, and the Speaker shall order the question divided if it comprehend propositions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the Assembly.

Resolutions

54. The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of a majority of all members elected to the Assembly. All House resolutions shall be numbered and shall be referred to the appropriate committee by the Speaker.

Withdrawal of Motions

55. After a motion is stated by the Speaker, or a bill, resolution or petition read by the Clerk, it shall be deemed to be in the possession of the Assembly.

Motion to Be Germane

56. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

Bills Reported Back to Assembly

57. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this Rule.

Motion to Withdraw and Recall Bills

58. A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference and shall require a recorded vote of a majority of the elected members.

No bill or resolution shall be withdrawn from committee and placed upon the File except upon two days' notice thereof and except by a recorded vote of a majority of the elected members.

Bills Stricken From Calendar

59. A motion to strike from the File any bill or House resolution requires a majority vote of the entire elected membership. Such bill shall not be acted upon again during the session.

Motion to Rescind Action and Expunge Record

60. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership. No motion to rescind the action and expunge the record shall be made twice on the same proposition.

Reference of Bills to Committee

61. Immediately following its first reading the Speaker shall refer each bill to a committee, unless upon a motion, the Assembly by a majority vote of its entire elected membership, shall refer it to some other committee. Such motion to refer a bill shall not be debatable. Should several different committees be proposed, preference shall be given as follows:

1. Committee of the Whole.
2. Standing Committee.
3. Special Committee.

Record of Bills

62. The Chief Clerk shall cause to be kept a permanent record of every action taken by the Assembly on every bill, and the date of such action. Every such action and the date thereof shall also be indorsed upon such bill.

Consideration of Constitutional Amendments, Concurrent and Joint Resolutions

63. Constitutional amendments, concurrent and joint resolutions may be amended by a majority of the members present and shall be treated the same as bills, except that they shall be read but once. The ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments or authorizing expenditures of money, unless regularly demanded or required by statute or by the Constitution.

Second Reading of Bills

64. All bills shall be read the second time in the order of their appearance upon the Second Reading File. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading.

Committee Amendments

65. Committee amendments reported with bills shall be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Assembly bills so amended shall be ordered reprinted and engrossed, and Senate bills so amended shall be ordered reprinted and to third reading.

Amendments From the Floor

66. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon the Third Reading File, shall be reprinted and all Assembly bills so reprinted shall be ordered re-engrossed. The Chief Clerk shall order printed not to exceed 1,000 copies of all amended bills.

Committee on Engrossment and Enrollment

67. It shall be the duty of the Committee on Engrossment and Enrollment to compare all bills, ordered or considered engrossed by the Assembly with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. The report of the Committee on Engrossment and Enrollment shall be in order at any time.

Engrossing and Enrolling Bills

68. The Engrossing and Enrolling Clerk shall engross and enroll all bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the Assembly.

Bills Transmitted to the Senate

69. Upon the final passage of any bill, if no notice of motion to reconsider such bill be given, the Speaker shall order the bill transmitted to the Senate under signature of the Chief Clerk. Senate bills refused passage shall forthwith be returned to the Senate under similar signature.

Bills Considered During Last Seven Days

70. No Assembly bill shall be passed by the Assembly within seven calendar days previous to the time set for adjournment *sine die* of the Legislature, except upon recommendation of the Speaker and permission to consider and vote on such bill being granted by a recorded vote of three-fourths of the entire elected membership of the Assembly.

Concurrence in Senate Amendments

71. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution. The vote on concurrence or upon the adoption of such free conference report of the Assembly shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

Nonconcurrence in Senate Amendments

72. If the Assembly refuse to concur in the Senate amendments to any Assembly bill, the Chief Clerk shall notify the Senate of such refusal and request the Senate to recede from its amendments. If the Senate so recede and notify the Assembly, the bill shall be forthwith ordered enrolled.

Committee on Free Conference

73. Should the Senate refuse to recede from its amendments and so notify the Assembly, the Speaker shall thereupon appoint three members as a Committee on Free Conference. If there be a minority vote on concurrence, two of such members

shall be selected from those voting against concurrence and the third member shall be selected from those voting for concurrence. The Chairman of the Senate Committee on Free Conference for the same bill shall arrange the time and place of meeting of such committee. It shall require an affirmative vote of not less than four of the members constituting the Committee on Free Conference to agree upon a report and the report shall be submitted to both the Senate and Assembly. Such report is not subject to amendment and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed. No member who has served on a Committee on Free Conference shall be appointed a member of another Committee on Free Conference on the same bill. The presentation and consideration of any report of a Committee on Free Conference shall always be in order, except during a roll call or when a member has the floor. It shall require the same affirmative recorded vote to adopt any free conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to adopt any free conference report affecting any Assembly bill which contains an item or items of appropriation which are subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution.

The vote on concurrence or upon the adoption of such free conference report by the Assembly shall be deemed the vote upon final passage of such bill.

Enrollment

74. After final passage by both houses, any Assembly bill not amended by the Senate shall be forthwith ordered by the Speaker to be enrolled, as provided in Section 539 of the Political Code. The Committee on Engrossment and Enrollment shall report both the day and hour each enrolled bill is presented to the Governor, which report shall be entered on the Journal.

Committees

Standing Committees

75. The standing committees of the Assembly shall be as follows:

1. A Committee on Agriculture, to consist of 17 members.
2. A Committee on Aviation and Aircraft, to consist of 11 members.
3. A Committee on Banking, to consist of 9 members.
4. A Committee on Building and Construction, to consist of 7 members.
5. A Committee on Building and Loan Associations, to consist of 7 members.
6. A Committee on Civil Service, to consist of 9 members.
7. A Committee on Commerce and Navigation, to consist of 9 members.
8. A Committee on Constitutional Amendments, to consist of 13 members.
9. A Committee on Contested Elections, to consist of 5 members.
10. A Committee on Corporations, to consist of 9 members.
11. A Committee on County Government, to consist of 15 members.
12. A Committee on Crime Problems, to consist of 7 members.
13. A Committee on Direct Legislation, to consist of 7 members.
14. A Committee on Education, to consist of 13 members.
15. A Committee on Elections, to consist of 11 members.
16. A Committee on Engrossment and Enrollment, to consist of 5 members.
17. A Committee on Exhibitions and Fairs, to consist of 7 members.
18. A Committee on Federal Relations, to consist of 7 members.
19. A Committee on Financial Institutions (other than banking and building and loan associations), to consist of 7 members.
20. A Committee on Fish and Game, to consist of 15 members.
21. A Committee on Governmental Efficiency and Economy, to consist of 15 members.
22. A Committee on Governmental Revenues and Expenditures, to consist of 5 members.
23. A Committee on Hospitals and Asylums, to consist of 11 members.
24. A Committee on Insurance, to consist of 13 members.
25. A Committee on Introduction of Bills, to consist of 5 members.
26. A Committee on Irrigation, to consist of 17 members.
27. A Committee on Judiciary Codes, to consist of 17 members.
28. A Committee on Judiciary General, to consist of 15 members.
29. A Committee on Labor and Capital, to consist of 13 members.
30. A Committee on Libraries, to consist of 5 members.
31. A Committee on Live Stock and Dairies, to consist of 9 members.
32. A Committee on Manufactures, to consist of 7 members.
33. A Committee on Medical and Dental Laws, to consist of 13 members.
34. A Committee on Mileage, to consist of 5 members.
35. A Committee on Military Affairs, to consist of 9 members.
36. A Committee on Mines and Mining, to consist of 9 members.
37. A Committee on Motor Vehicles, to consist of 15 members.
38. A Committee on Municipal Corporations, to consist of 13 members.
39. A Committee on Oil Industries, to consist of 13 members.

- 40. A Committee on Natural Resources, to consist of 11 members.
- 41. A Committee on Prisons and Reformatories, to consist of 11 members.
- 42. A Committee on Public Charities and Corrections, to consist of 9 members.
- 43. A Committee on Public Health and Quarantine, to consist of 13 members.
- 44. A Committee on Public Morals, to consist of 11 members.
- 45. A Committee on Public Utilities, to consist of 11 members.
- 46. A Committee on Revenue and Taxation, to consist of 15 members.
- 47. A Committee on River Navigation, Reclamation and Flood Control, to consist of 13 members.
- 48. A Committee on Roads and Highways, to consist of 15 members.
- 49. A Committee on Rules, to consist of 9 members, including the Speaker.
- 50. A Committee on Social Service and Welfare, to consist of 15 members.
- 51. A Committee on Soldiers and Sailors Affairs, to consist of 13 members.
- 52. A Committee on State Grounds and Parks, to consist of 7 members.
- 53. A Committee on State Colleges, to consist of 7 members.
- 54. A Committee on Unemployment, to consist of 13 members.
- 55. A Committee on Universities, to consist of 7 members.
- 56. A Committee on Ways and Means, to consist of 21 members.
- 57. A Committee on Reapportionment, to consist of 21 members.

Committee Quorum

76. A majority of the membership of any standing committee shall constitute a quorum for the transaction of its business. At least a majority of all members constituting such committee shall be required to report a bill out of committee.

Meetings of Standing Committees

77. All standing committees shall meet at the hour provided by schedule, unless otherwise ordered by the Assembly. Committees may hold such additional meetings as the chairman of the committee may deem necessary; provided, that no committee shall meet during any session of the Assembly without first obtaining permission from the Assembly.

Every scheduled committee meeting shall be open to the public, unless the committee by a majority vote of its entire membership shall order an executive session.

Standing Committee Rules

78. The Rules of the Assembly shall govern the conduct of all committee meetings whenever practicable. Each committee may adopt, by a majority vote of its entire membership, such additional Rules as it may deem necessary for the conduct of any business referred to such committee.

Signing Bills Out of Committee

79. No bill shall be signed out of committee unless the committee has failed to hold a meeting on two consecutive scheduled dates, or having so met, has failed to have a quorum present for the transaction of business.

Committee Expenditures

80. No member or committee shall be permitted to incur any expense without first receiving the consent of the Assembly, except that the Chairman of the Committee on Ways and Means shall be allowed his actual expenses for the performance of any duties of his office during the constitutional recess.

Appointment of Attaches

81. The Committee on Rules shall recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attache or employee for incompetency or dereliction of duty, pending final action by the Assembly.

Committee on Ways and Means

82. The Committee on Ways and Means shall consider all bills to appropriate money, other than contingent expenses of the Assembly.

Whenever requested by the Assembly, the Chairman of the Committee on Ways and Means shall report the exact condition of legislation involving appropriations and the aggregate amount of all proposed appropriations pending before the committee. The committee may also report whenever necessary, their opinion as to the condition of the State revenues and expenditures.

Committee of the Whole

83. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the members present. The Speaker of the Assembly, or any member named by the Speaker, shall preside as Chairman of the Committee of the Whole. The Rules of the Assembly shall be observed in the Committee of the Whole so far as they may be applicable, except that the ayes and noes need not be taken.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order, and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairman, but shall not be entered on the Journal except upon motion and a majority vote of the members present.

Reconsideration of Vote

84. Notice of a motion to reconsider on the next legislative day, the vote whereby any bill, constitutional amendment, concurrent or joint resolution was passed or refused passage, must be given on the same day such vote to be so reconsidered was taken.

A notice of motion to reconsider a vote must be given by a member voting on the bill, constitutional amendment, concurrent or joint resolution, and shall take precedence over all motions, except a motion to adjourn. Upon such notice of motion being given, the bill, constitutional amendment, concurrent or joint resolution shall forthwith be placed upon the Unfinished Business File, and no further action shall be taken prior to the next legislative day. When a notice of a motion to reconsider has once been made, the same shall be considered to be the property of the Assembly. The notice of motion to reconsider may be called up by any member on the next legislative day after the notice of reconsideration of the bill, constitutional amendment, concurrent or joint resolution has been given.

Any member voting on any motion, amendment, concurrence, recedence, Assembly resolution or proposition other than a bill, constitutional amendment, concurrent or joint resolution, may give notice of reconsideration of the vote whereby the same was passed or refused passage on the same day such vote to be reconsidered was taken, which notice shall suspend all further consideration until the next legislative day; provided, however, that a motion to reconsider on the same day the notice was given shall take precedence over and above such notice and upon demand of any member must be put to an immediate vote. A motion to reconsider any proposition other than a bill, constitutional amendment, concurrent or joint resolution shall require an affirmative recorded vote of a majority of the entire elected membership.

No notice of motion for reconsideration shall be in order on the day preceding the last day for consideration of Assembly or Senate bills in the Assembly. No motion to reconsider shall be adopted except upon an affirmative recorded vote of a majority of the entire elected Assembly membership, except that constitutional amendments to be so reconsidered shall require an affirmative recorded vote of two-thirds of the entire Assembly elected membership.

When reconsideration is granted, the bill shall resume its exact position before the Assembly previous to its being voted upon.

Printing

Authority for Printing

85. The State Printer shall not charge any printing or other work to the Assembly other than provided by law or Assembly Rule, except upon a written order signed by the Chief Clerk of the Assembly and countersigned by the Chairman of the Committee on Rules or by the Speaker, and delivered to him prior to beginning such printing or work. All invoices for printing furnished the Assembly shall be rendered by the State Printer within 30 days after completion of said printing. When necessary, the Chief Clerk may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

Printing Style, Form and Amount to Be Printed

86. Unless otherwise restricted by law or by Assembly Rule, the style and form of all printing, the quality of paper to be used, and the number of copies to be printed of each order, shall be decided by the Chief Clerk and approved by the Speaker or Chairman of Committee on Rules. All requests by members for additional copies of bills, documents or other printed matter shall be referred to the Committee on Rules.

Printing Assembly History

87. The Chief Clerk shall cause to be compiled and printed during the constitutional recess, a Legislative Handbook and a Semi-Final Assembly History, together with an index, setting forth a complete History showing all actions on bills, constitutional amendments, concurrent, joint and house resolutions prior to the constitutional recess.

During the remainder of the session, the Chief Clerk shall cause to be printed and placed upon each member's desk prior to convening on Monday of each week, a complete History showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of such Weekly History, there shall be printed a Daily Sup-

plemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History.

Printing of Maps

88. Maps or charts accompanying documents other than bills shall not be printed without special authority from the Assembly by a majority vote of its entire elected membership.

Rules

Adoption of Standing Rules

89. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the entire elected membership. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these Rules.

Parliamentary Rules

90. Roberts Rules of Order shall be the recognized authority on all occasions when the Assembly Rules are not applicable.

Suspension of Rules

91. Unless otherwise specifically provided by law or Assembly Rule, any Standing Rule of the Assembly may be suspended temporarily by a vote of two-thirds of the members present; provided, that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

Amending Standing Rules

92. No Standing Rule of the Assembly shall be amended except by an affirmative recorded vote of a majority of the entire elected membership of the Assembly and one day's notice must be given on the motion thereof.

Temporary Rule

93. The Committee on Rules may at any time report a temporary Rule. Upon adoption by an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly, such temporary Rule shall have the effect for the time being, of a Standing Rule. If such temporary Rule shall be in conflict with a Standing Rule, it shall supersede such Standing Rule only for the time being.

A motion proposing to increase or diminish the membership of a standing committee or the number of standing committees, shall not be considered until the same shall have been referred to and approved by the Committee on Rules.

Miscellaneous

Press Privileges

94. Newspaper correspondents desiring Assembly press cards and privileges shall make written application to the Speaker. The Assembly by a majority vote of the members present may revoke any press card.

The Speaker shall assign the Assembly press desks; also the necessary rooms for the exclusive use of such accredited press representatives.

Privilege of Addressing the Assembly

95. No person other than a member of the Assembly shall be permitted to address the Assembly except in the Committee of the Whole.

Smoking in Assembly Chamber

96. Smoking may be prohibited temporarily during any session of the Assembly by a majority vote of the members present.

Fees for Witnesses

97. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of five dollars (\$5) for each day such witness shall be required to appear, and the sum of three and one-half cents (\$.03½) for each mile he shall travel in coming to and going from the place of examination.

Use of Assembly Chamber

98. The Assembly Chamber shall not be used for any public or private business other than legislative matters, during the sessions of the Legislature, except by consent of a majority of the entire elected membership of the Assembly.

Persons Admitted to Floor of the Assembly

99. No persons other than members, officers, attaches, employees of the Legislature, former members of the Legislature, and accredited members of the press, shall be admitted to the floor of the Assembly during any session of the Assembly; provided, that a guest of any member shall be admitted, upon presentation of a guest

card of said member, countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued.

All guests shall be seated only in the chairs in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the press desks. A special section in the balcony shall be reserved for those holding guest cards.

Lobbying in the Assembly Chamber

100. All persons appearing, or being, or desiring to appear, or be, at or in the Assembly Chamber, or at or in any committee room of the Assembly for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Assembly, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Assembly upon any such bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this Rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

This Rule shall not apply to members of either house of the Legislature, to elected State officers, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person shall appear at or enter the Assembly Chamber, or any committee room of the Assembly, for the purpose of advocating the adoption or defeat of any bill, measure or resolution, without first having registered and secured the certificate, as herein provided.

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session; and any person transgressing this Rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this Rule. This Rule can not be suspended except by a two-thirds vote of the entire elected membership of the Assembly.

Speaker Explains Order of Business

101. The Speaker may, on his own motion or upon the motion of any member of the Assembly, explain the order of business when the motion pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes.

Admission to Assembly Chamber

102. Persons admitted to the Assembly Chamber, other than members and attaches, shall not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 4, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellem, Kilpatrick, King, Knight, T. Fenton; Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Potter, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Tenney, Thomas, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—60.

NOES—None.

APPOINTMENT OF STANDING COMMITTEES

The Speaker announced that the standing committees of the Fifty-fourth (Regular) Session would be the standing committees of the Fifty-fourth (Second Extraordinary) Session.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that all bills, before introduction in this Second Extraordinary Session, must be referred to the Legislative Counsel Bureau to determine whether or not they be within the scope of the Governor's Proclamation.

RESOLUTIONS

The following resolutions were offered:

By Mr. Lyon:

House Resolution No. 5

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

<i>Commencing Saturday, January 17, 1942</i>	<i>Per day</i>
Arthur A. Ohnimus, Chief Clerk-----	\$10 00
Frank Reed, Assistant Chief Clerk-----	9 00
C. William Queale, Minute Clerk-----	9 00
Charles W. Robbins, Engrossing and Enrolling Clerk-----	7 00
Harold Lewright, Assistant Clerk-----	7 00
Juanita L. Dependener, Assistant Clerk-----	7 00
Nina Ronstadt, Assistant Clerk-----	7 00
Irene Mosher, Assistant Clerk-----	7 00
Wilkie Ogg, Sergeant-at-Arms-----	8 00
Rev. Thomas H. Markham, Chaplain-----	4 00
Dolly Smith, Stenographer-----	5 00
Carroll Dudley, Assistant Clerk-----	7 00
Ed. Nathan, Assistant Sergeant-at-Arms-----	5 00
William C. Coffman, Chief Page-----	3 00
Louis Desmond, Assistant Sergeant-at-Arms-----	5 00

Resolved, further, That the compensations of the above named attaches shall be on a seven-day per week basis.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 5, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hawkins, Heisinger, Houser, Frederick F., Johnson, Kellems, Kepple, Leonard, Lowrey, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None.

By Mr. Lyon:

House Resolution No. 6

Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named officers and members of the Assembly for the

amounts set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same.

District	Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
1	Michael J. Burns	Eureka, Humboldt County	312	--	312	624	\$31 20	
2	Wm. I. Gunlock	Dunsmuir, Siskiyou County	295	--	42	506	25 30	
3	Lloyd W. Lowrey	Rumsey, Yolo County	23	36	59	118	5 90	
4	Seth Millington	Gridley, Butte County	86	--	14	144	7 20	
5	Ernest C. Crowley	Suisun, Solano County	48	--	--	96	4 80	
6	Allen G. Thurman	Colfax, Placer County	37	17	54	108	5 40	
7	Richard H. McCollister	Mill Valley, Marin County	105	8	113	226	11 30	
8	John Edward Cain	Sacramento, Sacramento County	--	--	--	--	--	
9	Earl D. Desmond	Sacramento, Sacramento County	--	--	--	--	--	
10	Harold F. Sawallisch	Richmond, Contra Costa County	62	22	84	168	8 40	
11	Charles M. Weber	Stockton, San Joaquin County	48	--	--	96	4 80	
12	James E. Thorp	Lockeford, San Joaquin County	48	--	3 45	90	4 50	
14	Randal F. Dickey	Alameda, Alameda County	89	5	--	178	8 90	
15	Bernard A. Sheridan	Oakland, Alameda County	84	--	--	168	8 40	
16	Arthur W. Carlson	Piedmont, Alameda County	84	--	--	168	8 40	
17	Henry P. Meehan	Oakland, Alameda County	84	--	--	168	8 40	
18	James H. Phillips	Oakland, Alameda County	84	--	--	168	8 40	
19	Gardiner Johnson	Berkeley, Alameda County	84	--	1 83	166	8 30	
20	Thomas A. Maloney	San Francisco, San Francisco County	90	--	--	180	9 00	
21	John D. Welch	San Francisco, San Francisco County	90	--	--	180	9 00	
22	George D. Collins, Jr.	San Francisco, San Francisco County	90	--	--	180	9 00	
24	Edward F. O'Day	San Francisco, San Francisco County	90	--	--	180	9 00	
26	Edward M. Gaffney	San Francisco, San Francisco County	90	--	--	180	9 00	
27	Albert C. Wollenberg	San Francisco, San Francisco County	90	--	--	180	9 00	
29	Harrison W. Call	Redwood City, San Mateo County	119	--	--	238	11 90	
30	Byrl R. Salsman	Palo Alto, Santa Clara County	128	18	146	292	14 60	
31	M. G. Del Muto	San Jose, Santa Clara County	128	--	--	256	12 80	
32	Hugh P. Donnelly	Turlock, Stanislaus County	77	14	91	182	9 10	
33	George A. Clarke	LeGrand, Merced County	114	15	129	258	12 90	
34	Jacob M. Leonard	Hollister, San Benito County	173	--	--	346	17 30	
35	Fred Weybrecht	Soledad, Monterey County	208	44	252	504	25 20	
36	Hugh M. Burns	Fresno, Fresno County	169	--	--	338	16 90	
37	S. L. Helsingier	Fresno, Fresno County	169	--	--	338	16 90	
38	Gordon H. Garland	Woodlake, Tulare County	206	16	222	444	22 20	
39	Alfred W. Robertson	Santa Barbara, Santa Barbara County	460	--	--	920	46 00	
41	Rodney L. Turner	Delano, Kern County	278	--	30 248	496	24 80	
42	Everett G. Burkhalter	North Hollywood, Los Angeles County	447	--	--	894	44 70	
43	C. Don Field	Glendale, Los Angeles County	447	--	10 437	874	43 70	
44	John B. Pelletier	Los Angeles, Los Angeles County	447	--	--	894	44 70	
45	Thomas J. Doyle	Los Angeles, Los Angeles County	447	--	--	894	44 70	
46	Jack B. Tenney	Inglewood, Los Angeles County	447	10	457	914	45 70	
47	Eleanor Miller	Pasadena, Los Angeles County	447	13	460	920	46 00	
48	T. Fenton Knight	La Canada, Los Angeles County	447	16	463	926	46 30	
49	Lee T. Bashore	Glendora, Los Angeles County	447	26	473	946	47 30	
50	Gerald C. Kepple	Whittier, Los Angeles County	447	15	462	924	46 20	
52	William H. Poole	Bell, Los Angeles County	447	8	455	910	45 50	
53	Frederick F. Houser	Alhambra, Los Angeles County	447	9	456	912	45 60	
54	John B. Knight	Los Angeles, Los Angeles County	447	--	--	894	44 70	
55	Vernon Kilpatrick	Los Angeles, Los Angeles County	447	--	--	894	44 70	
56	Norris Poulson	Los Angeles, Los Angeles County	447	--	--	894	44 70	
57	Franklin J. Potter	Los Angeles, Los Angeles County	447	--	--	894	44 70	
58	Frank J. Waters, Jr.	Los Angeles, Los Angeles County	447	--	--	894	44 70	
59	Charles W. Lyon	Los Angeles, Los Angeles County	447	--	--	894	44 70	
60	Jesse Randolph Kellem	Los Angeles, Los Angeles County	447	--	--	894	44 70	
61	Ernest O. Voigt	Los Angeles, Los Angeles County	447	--	--	894	44 70	
62	Augustus F. Hawkins	Los Angeles, Los Angeles County	447	--	--	894	44 70	
63	Don A. Allen	Los Angeles, Los Angeles County	447	--	--	894	44 70	
64	Roger Alton Pfaff	Los Angeles, Los Angeles County	447	--	--	894	44 70	
65	John W. Evans	Los Angeles, Los Angeles County	447	--	--	894	44 70	
66	Jack Massion	Los Angeles, Los Angeles County	447	--	--	894	44 70	
67	Cecil R. King	Los Angeles, Los Angeles County	447	--	--	894	44 70	
68	Vincent Thomas	San Pedro, Los Angeles County	447	23	470	940	47 00	
69	Ralph C. Dills	Compton, Los Angeles County	447	18	465	930	46 50	
70	Lorne D. Middough	Long Beach, Los Angeles County	447	22	469	938	46 90	
71	Fred N. Howser	Long Beach, Los Angeles County	447	22	469	938	46 90	
72	Godfrey A. Andreas	Upland, San Bernardino County	508	22	530	1060	53 00	
73	Frank C. Russell	Crestline, San Bernardino County	508	15	523	1046	52 30	
74	Clyde A. Watson	Orange, Orange County	481	--	--	962	48 10	
75	Sam L. Collins	Fullerton, Orange County	481	--	11 470	940	47 00	

District	Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
76	Nelson S. Dilworth	Hemet, Riverside County	512	34	--	546	1092	\$54 60
77	Harvey E. Hastain	Brawley, Imperial County	661	--	15	646	1292	64 00
78	Jeanette E. Daley	San Diego, San Diego County	573	--	--	--	1146	57 30
79	Paul A. Richie	San Diego, San Diego County	573	--	--	--	1146	57 30
80	Charles W. Stream	Palm City, San Diego County	573	13	--	586	1172	58 60

Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Mileage one way	Total mileage	Amount at 10 cents per mile
Arthur A. Ohnimus	San Francisco, San Francisco County	--	--	--	90	180	\$18 00
C. William Queale	Fullerton, Orange County	481	--	11	470	940	94 00

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 6, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Clarke, Collins, Sam L., Crowley, Del Mutolo, Dickey, Dills, Dilworth, Doyle, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Johnson, Kellems, Kepple, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Richie, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—62.

NOES—Daley, and Desmond—2.

By Mr. Lyon:

House Resolution No. 7

Resolved by the Assembly of the State of California, That all of those persons who have filed their credentials and are duly recognized as representatives of the publications set opposite their names for the First Extraordinary Session are hereby recognized as the representatives of the publications set opposite their names for this Second Extraordinary Session.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 7, at this time, without reference to committee.

Resolution read and adopted.

COMMUNICATIONS

The following communications from the Legislative Counsel Bureau were received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation for the Second Special Session of the Fifty-fourth Legislature.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation convening the Second Extraordinary Session.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

Copy to Honorable Edward F. O'Day.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, January 17, 1942

*Honorable Arthur A. Ohnimus, Chief Clerk of the Assembly
Assembly Chamber, State Capitol, Sacramento, California*

DEAR MR. OHNIMUS: We have examined a measure entitled

"An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority and members thereof, to take effect immediately."

and report that in our opinion it appears to be within the scope of the Proclamation convening the Second Extraordinary Session.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

Copy to Honorable James H. Phillips.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following bills were introduced, and read the first time:

Assembly Bill No. 1: By Mr. Phillips—An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority and members thereof, to take effect immediately.

Without reference to committee.

Assembly Bill No. 2: By Mrs. Daley and Messrs. Desmond and Garland—An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States saving bonds or similar United States obligations, including the adding

of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Without reference to committee.

Assembly Bill No. 3: By Messrs. O'Day, Collins, George D., Maloney, Wollenberg, Gaffney and Welch—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

Without reference to committee.

ADJOURNMENT

At 10.10 p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned until 11 a.m., Sunday, January 18, 1942.

C. WILLIAM QUEALE, Minute Clerk

CALIFORNIA LEGISLATURE
FIFTY-FOURTH (SECOND EXTRAORDINARY) SESSION

ASSEMBLY DAILY JOURNAL

SECOND LEGISLATIVE DAY
 SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
 Sunday, January 18, 1942

The Assembly met at 11 a.m.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Del Mutolo, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick E., Howser, F. N., Johnson, Kellem, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McCollister, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Welch, Weybret, Wollenberg, and Mr. Speaker—73.

Quorum present.

PRAYER

Upon request of the Speaker, prayer was offered by Hon. Jesse Randolph Kellem, Member of the Assembly from the Sixtieth Assembly District.

READING OF THE JOURNAL DISPENSED WITH

During the reading of the Journal of the previous legislative day, further reading was dispensed with, on motion of Mr. Lyon.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day elected the following statutory officers for the Fifty-fourth (Second Extraordinary) Session:

President pro tempore.....	Wm. P. Rich
Secretary of the Senate.....	Joseph A. Beek
Sergeant-at-Arms.....	Joseph F. Nolan
Minute Clerk.....	Robert G. Alderman
Chaplain.....	H. W. Opperman

J. A. BEEK, Secretary of the Senate
 By JOHN F. LEA, Assistant Secretary

RECESS

At 11.10 a.m., on motion of Mr. Lyon, the Assembly recessed until 3.55 p.m.

REASSEMBLED

At 3.55 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 1

Senate Bill No. 2

Senate Bill No. 3

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 1—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up Senate Bill No. 1, at this time, without reference to committee or file.

CONSIDERATION OF SENATE BILL NO. 1

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Maloney:

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gunlock, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 1—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Diekey, Dills, Donnelly, Doyle, Evans, Gunlock, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—None.

Explanation of Vote

Upon the request of the Speaker, I was in attendance at a committee meeting when the roll was called and the vote taken on the resolution to suspend the Constitution and on the adoption of the urgency clause on Senate Bill No. 1. I was present and voted for Senate Bill No. 1 and would have voted for adoption of the urgency clause and suspension of the Constitution, had I been in the Assembly Chamber at the time.

JOHN D. WELCH

Senate Bill No. 1—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Maloney moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 2, of the printed bill, after "grant", insert " , lease, or otherwise transfer".

Amendment No. 2

On page 1, line 7, of the printed bill, strike out "title", and insert "right, title, or interest".

Amendment No. 3

On page 1, line 8, of the printed bill, after "grant", insert " , lease, or other transfer".

Amendment No. 4

On page 1, line 15, of the printed bill, after "grant", insert " , lease or transfer".

Amendment No. 5

On page 2, line 6, of the printed bill, after "granting", insert " , leasing, or transferring".

Amendment No. 6

On page 2, lines 24 and 25, of the printed bill, strike out "full legal title thereto", and insert "unrestricted rights to the use and possession thereof".

Amendments read and adopted.

Bill ordered reprinted, and to third reading.

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 2—An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

Senate Bill No. 3—An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority and members thereof, to take effect immediately.

Request for Unanimous Consent

Mr. Phillips asked for, and was granted, unanimous consent to take up Senate Bill No. 3, at this time, without reference to committee or file.

CONSIDERATION OF SENATE BILL NO. 3

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Phillips:

Resolved, That Senate Bill No. 3 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Doyle, Gunlock, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 3—An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority and members thereof, to take effect immediately.

Bill read second time.

Senate Bill No. 3—An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority and members thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—54.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—56.

NOES—None.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Bill No. 2

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

LYON, Chairman

REQUEST FOR UNANIMOUS CONSENT

Mr. O'Day asked for, and was granted, unanimous consent to take up Senate Bill No. 2, at this time.

CONSIDERATION OF SENATE BILL NO. 2

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. O'Day:

Resolved, That Senate Bill No. 2 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kepple, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 2—An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Senate Bill No. 2—An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Bashore, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Donnelly, Doyle, Evans, Gaffney, Gunlock, Heisinger, Houser, Frederick F.,

Howser, F. N., Johnson, Kepple, Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—58.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Daley, Desmond, Dickey, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Phillips, Poole, Potter, Poulson, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—57.

NOES—Collins, Sam L., Pfaff, Richie, and Voigt—4.

Bill ordered transmitted to the Senate.

Explanation of Vote

I voted against the above bill because it gives sanction and encouragement to the unjust and unsound practice of creating and increasing interest-bearing public debt to finance the National enterprise of defense. Since defense is carried on by currently applied labor power and production, it is obvious that no interest payments, present or future, need be involved.

PAUL A. RICHIE

FURTHER CONSIDERATION OF SENATE BILL NO. 1

Senate Bill No. 1—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellem, Kepple, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 1

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 1—Relative to adoption of Joint Rules.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 1, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1

Senate Concurrent Resolution No. 1—Relative to adoption of Joint Rules.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, Meehan, Middough, Milier, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—64.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 8

Resolved, That each and every officer, attache and employee of this Assembly is hereby stricken from the pay roll upon completion of work of the Fifty-fourth (Second Extraordinary) Session at the end of this eighteenth day of January, 1942.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 8, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Richie, Robertson, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—61.

NOES—None.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 17, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 2

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 2—Relative to adjournment sine die of the Second Extraordinary Session of the Fifty-fourth Legislature of the State of California.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 2, at this time, without reference to committee or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

Senate Concurrent Resolution No. 2—Relative to adjournment sine die of the Second Extraordinary Session of the Fifty-fourth Legislature of the State of California.

Resolution read.

Motion to Amend

Mr. Lyon moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed resolution, after "at", strike out the balance of the line, and insert "9 p.m., January 18,".

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Gaffney, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Knight, John B., Leonard, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—63.
NOES—Hawkins—1.

Resolution ordered printed, and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1—An act to add Section 1711.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority and members thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 2—An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 3—An act relating to the transfer of certain tide and submerged lands known as Treasure Island to the United States for the uses of the Navy Department thereof, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES**Committee on Engrossment and Enrollment**

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

Assembly Bill No. 1

Assembly Bill No. 2

Assembly Bill No. 3

And reports the same correctly engrossed.

JOHN B. KNIGHT, Chairman

Above reported bills ordered to third reading.

RESOLUTIONS

The following resolution was offered:

By Mr. Lyon:

House Resolution No. 9

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of Arthur A. Ohnimus, Chief Clerk, and the State Treasurer is hereby directed to pay the same, for the sum of one hundred dollars (\$100), said amount being for the payment of postage, telegraphing, expressage and incidental expenses of the Chief Clerk's Office.

Request for Unanimous Consent

Mr. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 9, at this time, without reference to committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Allen, Andreas, Bashore, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Carlson, Clarke, Collins, George D., Collins, Sam L., Crowley, Daley, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Gaffney, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kelles, Kipple, Knight, John B., Knight, T. Fenton; Leonard, Lyon, Maloney, Massion, Meehan, Middough, Miller, Millington, O'Day, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—66.

NOES—None.

RECESS

At 3.59 p.m., on motion of Mr. Lyon, the Assembly recessed until 8.45 p.m.

REASSEMBLED

At 8.45 p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

RESOLUTIONS

The following resolution was offered:

By Mr. Leonard:

House Resolution No. 10

Resolved, That the Speaker appoint a Committee of Three to wait upon the Senate and inform it that the Assembly has concluded its labors and ask if it has any further message to deliver to this body.

Request for Unanimous Consent

Mr. Leonard asked for, and was granted, unanimous consent to take up House Resolution No. 10, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 10, the Speaker announced the appointment of Messrs. Leonard, Donnelly and Mid-dough as such Special Committee to inform the Senate that the Assembly is now ready to adjourn the Fifty-fourth (Second Extraordinary) Session of the Legislature.

RESOLUTIONS

The following resolution was offered:

By Mr. Allen:

House Resolution No. 11

Resolved, That the Speaker appoint a Committee of Three to wait upon the Honorable Culbert L. Olson, Governor of the State of California, and inform him that the Assembly has concluded its labors and awaits his further pleasure.

Request for Unanimous Consent

Mr. Allen asked for, and was granted, unanimous consent to take up House Resolution No. 11, at this time, without reference to committee.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Pursuant to the provisions of House Resolution No. 11, the Speaker announced the appointment of Messrs. Allen, Pfaff and Andreas as such Special Committee to wait upon the Governor and inform him that the Assembly is now ready to adjourn the Fifty-fourth (Second Extraordinary) Session.

MOTION TO APPROVE JOURNALS

On motion of Mr. Frederick F. Houser, the Journals for Saturday, January 17, 1942, and Sunday, January 18, 1942 (Second Extraordinary) Session, were approved as corrected by the Minute Clerk.

INTERIM COMMITTEE APPOINTMENT

The Speaker announced the appointment of Mr. Salsman as a member of the Interim Committee on Education of Mentally Handicapped Children, replacing Melvyn I. Cronin, resigned.

RESOLUTIONS

The following resolution was offered:

By Messrs. Welch and Burkhalter:

House Resolution No. 12

Relative to the Assembly Interim Committee on Public Morals conferring with the Military and civil authorities as to the continuance of baseball

WHEREAS, It is necessary in these days of individual and community stress that the members of the public find a wholesome outlet from their stupendous tasks; and *WHEREAS*, That favorite pastime of the American people contributes incalculably to the morale of the citizenry; and

WHEREAS, The President of these United States has urged the continuance of baseball spectacles during the coming Summer season; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Public Morals created by House Resolution No. 265 of the regular session of the Fifty-fourth Legislature for the purpose of improving public morale confer with the proper civil and Military authorities for the purpose of assuring

that there will be no unnecessary interference with the usual playing of baseball and the watching thereof by the general public; and, be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk to Hugh M. Burns, Chairman, and Harrison W. Call, Fred N. Howser, Thomas A. Maloney, and Harold S. Sawallisch, members of the Assembly Interim Committee on Public Morals.

Request for Unanimous Consent

Mr. Welch asked for, and was granted, unanimous consent to take up House Resolution No. 12, at this time, without reference to committee.

Resolution read and adopted.

COMMITTEE FROM THE SENATE

A committee from the Senate, consisting of Senators Powers, DeLap and McBride, appeared before the bar of the Assembly and announced that the Senate had concluded its labors and was now ready to adjourn the Fifty-fourth (Second Extraordinary) Session.

REPORTS OF SPECIAL COMMITTEES

The Special Committee appointed to wait upon the Senate appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

The Special Committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that the instructions of the Assembly had been carried out.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 1

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 18, 1942

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Concurrent Resolution No. 2

J. A. BEEK, Secretary of the Senate
By JOHN F. LEA, Assistant Secretary

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Evans, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mary Lou Porro and Phyllis Newton of Sacramento.

On request of Mr. Garland, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to former Senator and Mrs. Dan E. Williams of Merced.

On request of Mr. Maloney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Ray B. Denhan, Second Lieutenant Ray Denhan, Betty Gay and Nancy Denhan of Fresno.

On request of Mr. Lyon, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Fred C. Gaser and son Richard, of Vallejo.

On request of San Francisco Delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to former Assemblyman Patrick J. McMurray.

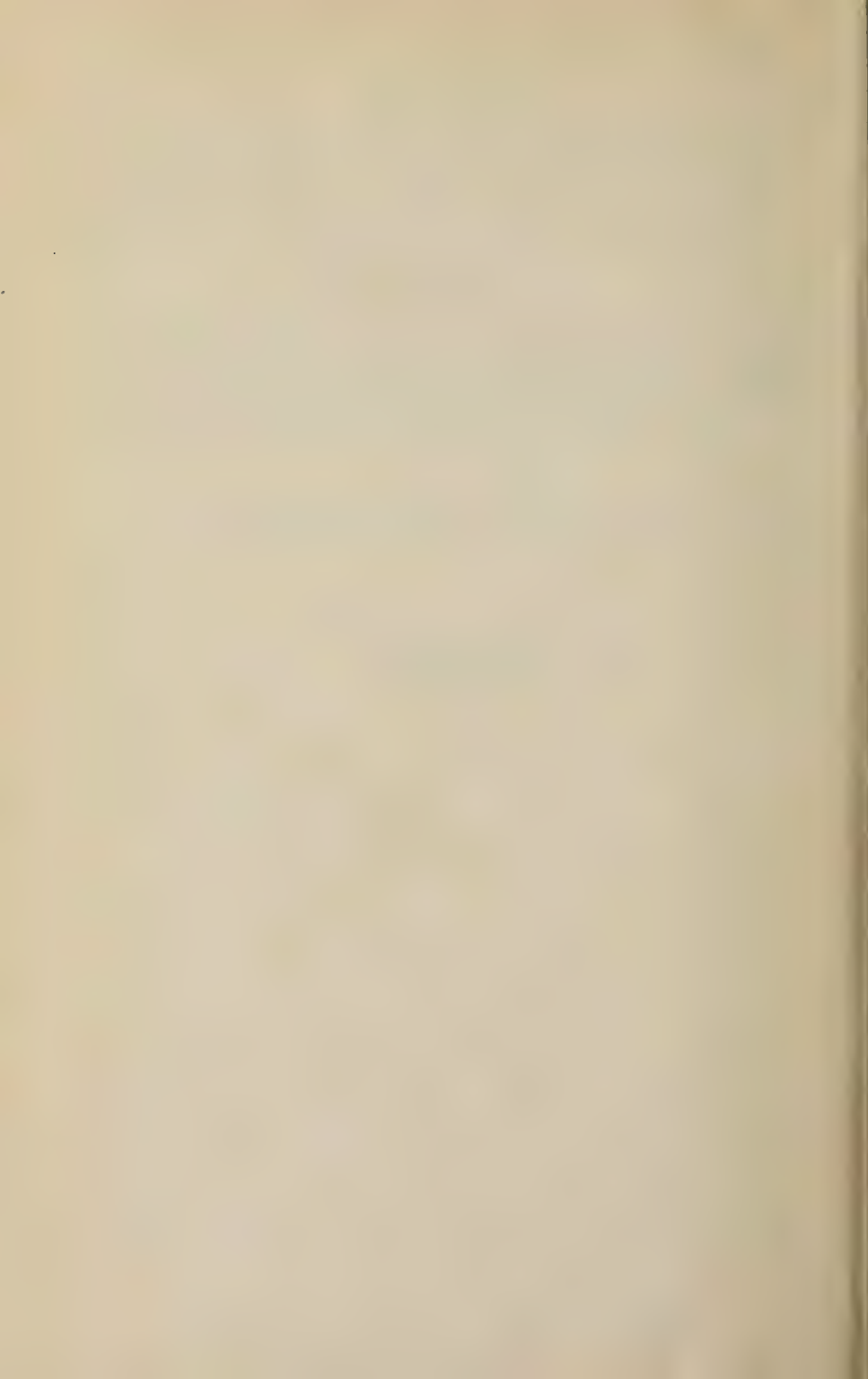
On request of Mr. Maloney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. J. W. Jimerson, wife of J. W. Jimerson of the San Francisco Examiner.

ADJOURNMENT SINE DIE

At nine o'clock p.m., Sunday, January 18, 1942, in accordance with the provisions of Senate Concurrent Resolution No. 2, Honorable Gordon H. Garland, Speaker of the Assembly, announced that the time for final adjournment of the Fifty-fourth (Second Extraordinary) Session of the Legislature of the State of California had arrived, and therefore declared the Assembly adjourned sine die.

C. WILLIAM QUEALE, Minute Clerk

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